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A

MANUAL

OF

ROMAN ANTIQUITIES.

WITH

NUMEROUS ILLUSTRATIONS.

BY

CHARLES ANTHON, LL.D.,
PROFESSOR OF THE GREEK AND LATIN LANGUAGES IN COLUMBIA COLLEGE,
RECTOR OF THE GRAMMAR-SCHOOL, ETC., ETC.

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TO

HORACE WEBSTER, LL.D.,

PRESIDENT OF THE FREE ACADEMY IN THE CITY OF NEW YORK,

WHO

HAS DONE SO MUCH TO UPHOLD THE CAUSE OF

SOUND AND PRACTICAL EDUCATION,

THIS VOLUME

Is respectfully Dedicated.

PREFACE.

THE present volume has been prepared at the suggestion of several instructors who were desirous of having a continuous work on the subject of Roman Antiquities. It is not intended, by any means, to supersede the Abridged Dictionary of Antiquities lately published, since the latter will be found to contain more detailed information on many points which are only noticed in a cursory manner in the present work. The materials have been taken from the latest and best authorities, and more particularly from *Smith's Larger Dictionary of Greek and Roman Antiquities* (2d ed.); *Adam's Roman Antiquities, edited by Major; the same work, by Boyd; Fuss's Roman Antiquities, by Rev. A. W. Street; Ramsay's Manual of Roman Antiquities; Burgess's Description of the Circus on the Appian Way; Becker's Gallus*, 2d ed., *by Rein; the same work translated by Metcalf; Becker's Handbuch der Römischen Alterthümer, with continuation by Marquardt; Schaaff's Encyclopaedie der Classischen Alterthumskunde*, 4th ed.; *Ruperti's Handbuch der Römischen Alterthümer; Beschreibung Roms von Platner und Urlichs; Rich's Companion to the Greek Lexicon and Latin Dictionary; Manual of Greek and Roman Antiquities in Lardner's Cabinet Cyclopedia.*

A Manual of Grecian Antiquities on the same plan is in preparation, and will soon appear.

The passage of the present volume through the press has been superintended by Professor Drisler with his accustomed accuracy and care.

Columbia College, March 29, 1851.

CONTENTS.

CHAPTER I.

THE CITY.

ORIGIN OF ROME.—GROWTH OF THE CITY.—POPULATION.—REGIONES.—VICI.—GATES.—FORA.—HILLS.—BRIDGES.—ROADS.—CAMPI.—TEMPLES.—BASILICÆ.—THERMÆ.—CIRCI.—PORTICOES.—TRIUMPHAL ARCHES.—PILLARS.—AQUEDUCTS.—CLOACÆ.—LIMITS OF THE EMPIRE . . . . . Page 1

CHAPTER II.

DIVISION OF THE ROMAN PEOPLE.

PATRICIANS, PLEBEIANS, AND EQUITES.—PATRONS AND CLIENTS.—TRIBES AND CURIÆ.—CLASSES AND CENTURIES 17

CHAPTER III.

REVOLUTIONS OF POLITICAL POWER.

REGAL GOVERNMENT.—STRUGGLES OF THE PATRICIANS AND PLEBEIANS.—OVERTHROW OF THE REPUBLIC 34

CHAPTER IV.

GOVERNING POWER UNDER THE REPUBLIC.

SENATE.—POPULAR ASSEMBLIES GENERALLY.—INSTITUTION AND NUMBER OF THE SENATE.—ELIGIBILITY TO THE SENATE.—BADGES OF SENATOR.—DAYS AND PLACES OF HOLDING THE SENATE.—MODE OF SUMMONING IT.—MODE OF CONDUCTING BUSINESS.—MODE OF MAKING A DECREE.—POWER OF THE SENATE AT DIFFERENT PERIODS . 37

CHAPTER V.

ROMAN MAGISTRATES.

OF MAGISTRATES IN GENERAL.—DIVISION OF MAGISTRATES . . 66

CHAPTER VI.

ORDINARY MAGISTRATES.

CONSULS. — PRÆTORS. — CENSORS. — TRIBUNES OF THE COMMONS. — ÆDILES.—QUÆSTORS . . . . . Page 68

CHAPTER VII.

EXTRAORDINARY MAGISTRATES.

DICTATOR AND MASTER OF THE HORSE.—DECEMVIRI LEGIBUS SCRIBENDIS.—INTERREX.—PRÆFECTUS URBI 106

CHAPTER VIII.

PROVINCIAL MAGISTRATES.

ORGANIZATION OF THE ROMAN PROVINCES.—PROPRÆTORS.—PROCONSULS, ETC. 116

CHAPTER IX.

PUBLIC SERVANTS OF THE MAGISTRATES.

SCRIBÆ. — PRÆCONES. — COACTORES. — LICTORES. — ACCENSI. — VIATORES.—CARNIFEX.—STATOR 120

CHAPTER X.

THE EMPEROR.—OFFICES UNDER THE EMPIRE.

TITLES OF AUGUSTUS.—GOVERNMENT OF THE PROVINCES.—THE COURT GOVERNMENT INTRODUCED BY CONSTANTINE 124

CHAPTER XI.

RIGHTS OF ROMAN CITIZENS

MAIN DIVISION.—SUMMARY OF PRIVATE RIGHTS.—RIGHT OF LIBERTY.—RIGHT OF FAMILY.—RIGHT OF MARRIAGE.—RIGHT OF A FATHER.—RIGHT OF PROPERTY.—RIGHT OF TESTAMENT AND INHERITANCE.—RIGHT OF TUTELAGE OR WARDSHIP 128

CHAPTER XII.

SLAVES.

DIFFERENT MODES OF BECOMING SLAVES.—SLAVE MARKETS.—CONDITION AND PUNISHMENT OF SLAVES. — MANUMISSION OF SLAVES. — FREEDMEN 145

CHAPTER XIII.

ROMAN JURISPRUDENCE.

ORIGIN OF THE ROMAN LAW.—LEGES REGIÆ.—TWELVE TABLES.—JUS CIVILE FLAVIANUM.—JUS ÆLIANUM.—LEGES CENTURIATÆ ET TRIBUTÆ.—SENATUSCONSULTA.—PRÆTORIAN EDICTS.—ROMAN LAW UNDER THE EMPIRE.—RESPONSA PRUDENTIUM.—SABINIANI ET PROCULIANI.—CONSTITUTIONES PRINCIPIS.—CODES.—LEGISLATION OF JUSTINIAN . . . . . Page 153

CHAPTER XIV.

JUDICIAL PROCEEDINGS OF THE ROMANS.

CRIMINAL TRIALS (JUDICIA PUBLICA).—JURY (JUDICES), HOW CHOSEN.—THEIR NUMBER.—ORDER OF PROCEEDINGS AGAINST A CRIMINAL.—CRIMINAL CAUSES TRIED IN THE SENATE 159

CHAPTER XV.

JUDICIAL PROCEEDINGS OF THE ROMANS.

CIVIL TRIALS.—VARIOUS KINDS OF JUDICES.—POSTULATIO ACTIONIS.—VADIMONIUM.—MANNER OF CONDUCTING A TRIAL.—PLEADING.—MODE OF GIVING JUDGMENT.—APPEAL 164

CHAPTER XVI.

PUNISHMENTS AMONG THE ROMANS.

MULCTA.—VINCULA.—VERBERATIO.—TALIO.—IGNOMINIA.—EXSILIUM.—SERVITUS.—MORS, &c. 169

CHAPTER XVII.

RELIGION OF THE ROMANS.

THE DII CONSENTES, SELECTI, &c.—ALTARS.—TEMPLES.—PRIESTS.—PONTIFEX MAXIMUS.—AUGURS.—TAKING OF AUSPICES, &c. . . 171

CHAPTER XVIII.

RELIGION OF THE ROMANS.

HARUSPICES.—INSPECTION OF THE ENTRAILS.—QUINDECIMVIRI.—VESTAL VIRGINS.—FRATRES ARVALES.—SEPTEMVIRI EPULONUM.—FETIALES.—FLAMINES, SALII, LUPERCI, &c. 182

CHAPTER XIX.

RELIGION OF THE ROMANS.

SERVANTS OF THE PRIESTS.—PRAYERS AND VOWS.—SACRIFICES.—VARIOUS SOLEMNITIES.—PUBLIC FESTIVALS.—DIVISION OF DAYS Page 193

CHAPTER XX.

ROMAN GAMES AND AMUSEMENTS.

DIVISION OF GAMES.—LUDI CIRCENSES.—CIRCUS MAXIMUS.—SHOWS OF GLADIATORS.—AMPHITHEATRES.—LUDI SÆCULARES 202

CHAPTER XXI.

ROMAN GAMES AND AMUSEMENTS.

THE DRAMA (LUDI SCENICI).—THEATRES.—ACTORS 215

CHAPTER XXII.

MILITARY AFFAIRS OF THE ROMANS.

MILITARY AGE, AND DURATION OF MILITARY SERVICE.—CAUSES OF EXEMPTION.—ROMAN LEGION GENERALLY.—NUMBERS OF THE LEGION.—ORGANIZATION OF THE LEGION.—MANNER OF HOLDING A LEVY.—MILITARY OATH.—ITALIAN ALLIES 222

CHAPTER XXIII.

MILITARY AFFAIRS OF THE ROMANS.

EQUIPMENT OF THE ROMAN TROOPS IN THE TIME OF POLYBIUS.—EQUIPMENT UNDER THE EMPIRE.—OFFICERS OF THE LEGION.—OFFICERS OF THE ALLIES.—ROMAN AGMEN, OR LINE OF MARCH.—LEGATI.—DRESS OF OFFICERS, &c. 232

CHAPTER XXIV.

MILITARY AFFAIRS OF THE ROMANS.

ROMAN CAMP, &c. 243

CHAPTER XXV.

MILITARY AFFAIRS OF THE ROMANS.

STANDARDS.—MILITARY REWARDS.—TRIUMPH.—OVATION.—SPOLIA OPIMA.—MILITARY PUNISHMENTS.—MILITARY PAY AND DISCHARGE.—METHOD OF ATTACKING AND DEFENDING TOWNS 246

CHAPTER XXVI.

NAVAL AFFAIRS OF THE ROMANS.

EARLIER STAGES OF THE ROMAN MARINE.—FIRST REGULAR FLEET.—FIRST NAVAL VICTORY.—NAVES TURRITÆ, LONGÆ, ONERARIÆ, &c.—PRINCIPAL PARTS OF A VESSEL.—CREWS.—NAVAL STATIONS.—NAVAL OFFICERS.—HARBORS.—NAVAL ENGAGEMENTS . . . . Page 264

CHAPTER XXVII.

CUSTOMS OF THE ROMANS.

ROMAN DRESS.

THE TOGA.—STOLA.—INSTITA.—PALLA.—CYCLAS.—DRESS IN MOURNING.—TOGA PRÆTEXTA.—BULLA.—TOGA VIRILIS.—CEREMONIES ON ASSUMING THE TOGA VIRILIS 277

CHAPTER XXVIII.

CUSTOMS OF THE ROMANS.

ROMAN DRESS.

TUNICA.—LACERNA.—PÆNULA.—FASCIÆ.—FOCALIA.—CALCEI.—SOLEÆ.—COVERINGS FOR THE HEAD.—FEMALE HEAD-DRESSES, AND ORNAMENTS FOR THE HEAD.—OTHER ADORNMENTS 285

CHAPTER XXIX.

CUSTOMS OF THE ROMANS.

ROMAN DRESS.

USE OF SILK AMONG THE ROMANS.—RINGS.—BARBERS.—BEARDS.—DRESS OF SLAVES 304

CHAPTER XXX.

CUSTOMS OF THE ROMANS.

ROMAN MEALS, &c.

JENTACULUM.—PRANDIUM.—CŒNA.—TRICLINIUM.—COUCHES.—TABLES.—TABLE UTENSILS 310

CHAPTER XXXI.

CUSTOMS OF THE ROMANS.

EXERCISES.—GAMES OF CHANCE.—BATHING.—DESCRIPTION OF THE BATHS 328

CHAPTER XXXII.

CUSTOMS OF THE ROMANS.

ROMAN RITES OF MARRIAGE.—LAWS AND CEREMONIES OF DIVORCE Page 337

CHAPTER XXXIII.

CUSTOMS OF THE ROMANS.

ROMAN FUNERALS.

LAYING OUT OF THE CORPSE.—DIFFERENT KINDS OF FUNERALS.—FUNERAL PROCESSION.—DISPOSAL OF THE CORPSE.—PLACES FOR BURIAL.—SEPULCHRES 342

CHAPTER XXXIV.

ROMAN HOUSES.

EARLIER ROMAN DWELLINGS.—LATER STRUCTURES.—PRINCIPAL PARTS OF A ROMAN HOUSE.—FLOORS.—WALLS.—CEILINGS.—WINDOWS.—DOORS.—MODE OF WARMING ROOMS 351

CHAPTER XXXV.

CUSTOMS OF THE ROMANS.

VILLAS AND GARDENS.

VILLA RUSTICA.—VILLA URBANA.—DESCRIPTION OF A VILLA URBANA.—DESCRIPTION OF THE GARDEN BELONGING TO A VILLA.—AMBULATIO.—GESTATIO.—HIPPODROMUS.—SPHÆRISTERIUM 373

CHAPTER XXXVI.

ROMAN EDUCATION 377

CHAPTER XXXVII.

ROMAN METHOD OF WRITING, &c.

PAPYRUS.—PARCHMENT.—PALIMPSESTS.—TABULÆ CERATÆ.—LETTERS.—SHORT-HAND WRITING.—INSTRUMENTS FOR WRITING.—CALAMUS.—STILUS.—INK.—BOOKS.—BOOKSELLERS.—PUBLIC LIBRARIES 378

CHAPTER XXXVIII.

ENTERTAINING OF STRANGERS.

HOSPITIUM PRIVATUM.—HOSPITIUM PUBLICUM.—INNS 388

CHAPTER XXXIX.

THE LECTICA AND THE CARRIAGES.

LECTICÆ FUNEBRES.—LECTICÆ FOR THE SICK.—LECTICÆ FOR LUXURY.—DIVISION OF CARRIAGES.—CISIUM.—ESSEDUM.—CARPENTUM.—PILENTUM.—COVINUS.—RHEDA.—PETORRITUM.—BASTERNA.—MANNER OF YOKING, &c. . . . . Page 391

CHAPTER XL.

ROMAN AGRICULTURE.

COGNITIO FUNDI.—VILLA RUSTICA.—INSTRUMENTS.—OPERATIONS OF AGRICULTURE.—CROPS.—PASTIO 399

CHAPTER XLI.

ROMAN CALENDAR 417

CHAPTER XLII.

ROMAN WEIGHTS AND MEASURES 424

CHAPTER XLIII.

ROMAN MONEY.

COPPER COINAGE.—SILVER COINAGE.—GOLD COINAGE.—COMPUTATION OF MONEY.—INTEREST OF MONEY 428

EXCURSUS ON THE ROMAN TIBIÆ 439

ROMAN ANTIQUITIES.

CHAPTER I.

THE CITY.

ORIGIN OF ROME.—GROWTH OF THE CITY.—POPULATION.—REGIONES.—VICI.—GATES.—FORA.—HILLS.—BRIDGES.—ROADS.—CAMPI.—TEMPLES.—BASILICÆ.—THERMÆ.—CIRCI.—PORTICOES.—TRIUMPHAL ARCHES.—PILLARS.—AQUEDUCTS.—CLOACÆ.—LIMITS OF THE EMPIRE.

ORIGIN OF ROME.

I. According to the common account, Rome was of Latin origin, and was founded by Romulus and Remus, grandsons of Numitor, king of Alba, in the third year of the sixth Olympiad,[1] or 753 B.C. They began to build, it is said, on the 21st day of April; on which day, moreover, the festival of the *Palilia*, sacred to Pales, the tutelary divinity of shepherds, was held. This festival, therefore, was ever afterward regarded as the natal day of the city of Rome.[2]

II. The part of Rome said to have been built by Romulus is universally admitted to have occupied the Palatine Hill, on the east side of the Tiber. This town on the hill was, according to the custom of the Latins, built in a square form, whence it was called by Latin writers *Roma Quadrata*.[3] This square city was intersected by two main streets, one running from north to south, the other from east to west. The point at which these streets intersected each other was called *gruma* or *groma* (from which some derive the name *Roma*), and sometimes *mundus*. This spot, which itself formed a square, existed till a very late period, and was surrounded by a wall.[4]

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[1] This is the Varronian date, restored by Petavius from Plutarch and Censorinus. (*Petav.*, *Doctr. Temp.*, ix., 50, *seqq.*) For the different dates assigned by different writers, consult *Creuzer*, *Abriss der Röm. Ant.*, § 15, and *Niebuhr*, *Hist. Rom.*, i., p. 267, *seqq.*, 3d *ed.*

[2] *Fest.*, *s. v. Pales*; *Varr.*, *L. L.*, vi., 15; *Dionys.*, i., 88; *Cic.*, *de Divin.*, ii., 47; *Varro*, *R. R.*, ii., 1; *Propert.*, iv., 5, 71.

[3] *Göttling*, *Geschichte der Röm. Staatsverfassung*, p. 17; *Nardini*, *Rom. Vet.*, i., 2; *Festus*, *s. v. Roma Quadrata*; *Cic.*, *de Repub.*, ii., 6; *Dionys.*, i., 88.

[4] *Göttling*, *l. c.*; *Penny Cyclop.*, xx., p. 100.

GROWTH OF THE CITY.

III. As early as the time of Romulus, Etruscan settlements existed on the Cælian Hill, and extended over *Mons Cispius* and *Oppius*, which are parts of the Esquiline. We learn from Varro that these Etruscans were compelled by the Romans to abandon their seats on the hills, and to descend into the plains between the Cælian and Esquiline, whence the name of the *Vicus Tuscus*, "Tuscan Street," in that quarter. The principal of these Etruscan hill-settlements was, according to Niebuhr, called *Lucĕrum*.[1]

IV. The three hills north of the Palatine, namely, the *Quirinal*, *Viminal*, and *Capitoline*, were occupied by the Sabines, and the last of these hills was their citadel. Their town on the Quirinal was, according to Niebuhr, called *Quirium*. Hence, when this Quirium was united to the more ancient city of Romulus, the two communities were named, on all solemn occasions, *Populus Romanus et Quirites*; hence, too, by this union, *Romulus* was converted into *Quirinus*, and *Quirium* became, probably, that mysterious Latin name of Rome which it was forbidden to utter.[2]

V. Rome eventually spread over seven hills, and hence acquired the well-known name of the "seven-hilled city" (*Urbs septicollis*).[3] This was in the reign of Servius Tullius, who inclosed all seven within one rampart. Dionysius states that the area included within the Servian walls was nearly equal to that of Athens. A space of ground was left free from buildings, both within and without the walls, called *Pomœrium*, a word compounded of *post* and *mœrium* (i. e., *murum*), and it was within this consecrated space that the augurs performed their acts of religion.[4] It devolved upon the augurs, also, to see that the *pomœrium* was not encroached upon by buildings. No one was allowed to enlarge the city, or, in other words, to carry forward the pomœrium (*pomœrium proferre*), who had not extended the limits of the empire.[5] This was done, as just remarked, by Servius Tullius, and after him by Sulla (A.U.C. 674), by Julius Cæsar (720), by Augustus (746), and others.[6] The last who did it was Aurelian. The circuit of the Servian wall was more than thirteen

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[1] *Niebuhr, Rom. Hist.*, i., p. 382, *seqq.*; *Fest., s. v. Cælius Mons*; *Dionys.*, ii., 31; *Varro, L. L.*, iv., 8.

[2] *Niebuhr, Rom. Hist.*, i., p. 289, 294. On the secret name of Rome, consult *Macrob., Sat.*, iii., 9; *Plin., H. N.*, iii., 5; *Serv., ad Æn.*, i., 277. Creuzer (*Abriss*, § 46) makes it to have been *Eros* or *Amor*.

[3] *Tibull.*, ii., 5, 57; *Ov., Trist.*, i., 4, 67, *seqq.*; *Virg., Georg.*, ii., 534.

[4] *Liv.*, i., 44; *Fest., s. v. Prosimurium*; *Niebuhr, Hist. Rom.*, i., p. 288, *seqq.*; *Creuzer*, § 24.

[5] *Nardini, Rom. Vet.*, i., 5; *Tacit., Ann.*, xii., 23.

[6] *Tacit., Ann.*, xii., 23; *Gell.*, xiii., 14; *Cic., ad Att.*, xiii., 20, &c.

miles; but that of Aurelian, according to Vopiscus, nearly fifty miles.[1]

The most important changes which the city underwent, and which contributed so much to its enlargement, were the following: The first change was effected through the conquest and burning of the city by the Gauls, under Brennus (390 B.C.), for the most ancient city consisted principally of thatched cottages (*casæ, tuguria*). Toward the end of the period comprised between the Gallic conflagration and the close of the second Punic war, Rome began to be embellished with temples, which, however, both as to material and architecture, were far inferior to the temples of Greece. After the conquest of the latter country, and more especially of Asia, individuals began to build their dwellings in a more magnificent style. During the civil wars, however, between Marius and Sylla, we find that the number of houses had increased so much that the walls of Servius Tullius, in several parts, lay within the city itself. Numerous edifices were subsequently erected in the reign of Augustus, who might well boast that he had found the city of brick (*lateritiam*), and had left it of marble (*marmoream*). During the reign of Nero, after a large portion of Rome had been destroyed by the great conflagration, numerous improvements were introduced, especially in giving width and regularity to the streets. In the two reigns just mentioned, the enlargement and beautifying of the city made most rapid progress; and Rome was still further improved under the succeeding emperors, down to the time of Honorius.

POPULATION.

VI. It is impossible to ascertain the number of private dwellings contained within the city. Some writers have fixed on the number 48,000, but others have thought that calculation too high. The number of inhabitants will be variously estimated, according as the slaves and foreigners are excluded or included. No certainty on the subject can be arrived at from what the ancients have left us on record.[2] Among modern writers, Lipsius[3] calculates the population at 4,000,000; Burton,[4] on the other hand, makes it to have been 1,104,000. The former computation appears to be as much too high as the latter is too low. The whole number of inhabitants in the most flourishing period of Rome may with some probability be estimated at from 2,000,000 to 2,500,000.[5]

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[1] *Vopisc., Div. Aurel.*, 21. The question respecting the true extent of Aurelian's walls is fully discussed by *Burgess, Topography and Antiquities of Rome.*, vol. ii., p. 282, *seqq.* Compare *Creuzer*, § 26, and the authorities there cited.

[2] Consult *Creuzer*, § 26; *Fuss, Rom. Ant.*, § 45.

[3] *De Magnit. Rom.*, iii., 3.

[4] *Antiq.*, i., p. 198.

[5] Isaac Vossius (*De Magnit. Rom.*, ii., 3), from a comparison of the population of London and Paris, makes that of Rome, in its most flourishing period, to have been 14,000,000! Compare *Nardini, Rom. Vet.*, i., 6.

REGIONES.

VII. Servius Tullius divided the whole city within the walls into four regions, coinciding with the four city tribes into which he divided the commonalty. The Capitoline, which was the city of the gods, and the town on the Aventine, were not included in these regions. Their names were, 1. *Regio Suburrana*, comprehending the Cælian Mount, the Carinæ, and the valley between them (afterward the site of the Colosseum), the Via Sacra, and the Suburra; 2. *Regio Esquilina*, comprehending the whole of the Esquiliæ, as far as they were included within the wall; 3. *Regio Collina*, extending over the Viminal and Quirinal; 4. *Regio Palatina*, comprehending the whole of the Palatine.[1] The arrangement of Servius continued to the time of Augustus, who, for the convenience of administration, divided the whole city, both within and without the walls of Servius, into fourteen new regions. Over each of these regions Augustus set two officers, called *Curatores*, whose business it was to prevent all disorder and extortion in their respective districts.[2]

VICI.

VIII. The same emperor also subdivided these fourteen regions into *vici*, each *vicus* consisting of one main street, including several smaller by-streets, or *angiportus*. There seem to have been, on an average, about 230 dwelling-houses in each *vicus*, so that every region contained rather more than 3000. About one twenty-fifth part of this number of houses were *domus*, that is, habitations of the rich, with a portico in front, and an extensive inner court (*atrium*). The remainder consisted of *insulæ*, that is, habitations for citizens of the middle and lower classes. The number of these *insulæ* was about 44,000.[3]

IX. Each vicus was superintended by four officers, called *Vicomagistri*, who formed a sort of local police, and were chosen by lot every year from among the people who lived in the vicus.[4] These officers, however, were not a new institution of Augustus, for they had existed during the time of the republic, and had exercised the same functions for the vici of the Servian districts.[5] The names of the fourteen regions of Augustus are the following: 1. *Porta Capena*, to the south of the gate of this name; 2. *Cœlimontium*, embracing the whole of the Cælian Hill; 3. *Isis et Serāpis* or *Isis et*

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[1] *Dionys.*, iv., 14; *Nardini, Rom. Vet.*, ii., 3; *Creuzer*, § 27.
[2] *Suet., Aug.*, 30. [3] *Suet., l. c.*; *Dion Cass.*, lv., 8; *Penny Cyclop.*, xx., p. 102.
[4] *Suet., l. c.*; *Dion Cass., l. c.* [5] *Liv.*, xxxiv., 7; *Festus, s. v. Magistrare.*

Monēta, from the temples of those deities. This region occupied the valley between the Cælian, Palatine, and Esquiline; 4. *Via Sacra*, or *Templum Pacis*; 5. *Regio Esquilina*; 6. *Alta Semita*; 7. *Via Lata*; 8. *Forum Romanum*; 9. *Circus Flaminius*; 10. *Palatium*; 11. *Circus Maximus*; 12. *Piscīna Publica*; 13. *Aventinus*; 14. *Regio Transtiberina*.

GATES.

X. The original city, or *Roma Quadrata*, is generally supposed to have had three gates, namely, 1. *Porta Mucionis* or *Mugonia*, at the northern extremity of the Palatine, and looking toward the northern part of the *Forum Romanum*; 2. *Porta Romanula* or *Romana*; 3. *Porta Janualis*.[1] In the time of Pliny, on the other hand,[2] the gates of Rome amounted to thirty-seven, of which the most celebrated were the following: 1. *Porta Carmentalis*, through which the Fabii went who fell at Cremera, and which was hence, also, called *Porta Scelerata*; 2. *Porta Collina*, through which the Gauls entered Rome, and to which Hannibal rode up and threw a spear within the city; 3. *Porta Trigemina*, through which the three Horatii passed; 4. *Porta Fontinalis*, from which, in the time of the republic, an arcade led to the altar of Mars in the Campus Martius; 5. *Porta Triumphalis*; 6. *Porta Navalis*, which in early times probably led to Ostia; 7. *Porta Capena*, probably at the foot of the Cælian Hill, &c. All the Roman gates had two arches (*jani*), one for such as were going out, and the other for such as were going in, each keeping to the right.

FORA.

XI. The *Fora*, or public places, were nineteen in number. They were of an oblong form, and surrounded by porticoes, shops, basilicæ, temples, &c. These shops were chiefly occupied by bankers (*argentarii*), and were hence called *Argentariæ* (scil. *tabernæ*).[3] Hence the following phrases: *Ratio pecuniarum quæ in foro versatur*,[4] "the state of money-matters;" *fidem de foro tollere*,[5] "to destroy public credit;" *foro cedere*,[6] "to become bankrupt," but *de foro decedere*,[7] "not to appear in public." As the courts of law were held in the *basilicæ* around many of these *fora*, we have in like manner the following phrases: *fori tabes*,[8] "the rage of litigation;" *in alieno foro litigare*,[9] "to fol-

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[1] *Penny Cyclop.*, xx., p. 100; *Nardini, Rom. Vet.*, i., 3; *Urlichs, Beschreibung Roms*, p. 1.
[2] *Plin., H. N.*, iii., 5.
[3] *Liv.*, xxvi., 11.
[4] *Cic., Manil.*, 7.
[5] *Cic., Rull.*, 8.
[6] *Sen., Ben.*, iv., 39.
[7] *Nep., Att.*, 10.
[8] *Tacit., Ann.*, xi., 6.
[9] *Martial, præf.*, xii.

low a business one does not understand;" and hence, too, we make use of the expression *forensic eloquence*, to indicate the speaking of pleaders and barristers. We must distinguish, however, between two kinds of fora, namely, one kind exclusively devoted to commercial purposes, and which were actual market-places; and the other, places of meeting for the popular assembly and for the courts of justice. These latter kinds of fora were sometimes called *fora judicialia*, to distinguish them from mere market-places.

Among the *fora judicialia*, the most important was the *Forum Romanum*, which was simply called *forum* as long as it was the only one of its kind which existed at Rome. At a late period of the republic, and during the empire, when other *fora judicialia* were built, the *Forum Romanum* was distinguished from them by the epithets *vetus* or *magnum*. It was situate between the Palatine and Capitoline Hills, and was 705 feet in length and 470 in width. In it stood the *Rostra*, an elevated place or stage, from which the orators addressed the people, and which derived its name from the circumstance that, after the subjugation of Latium, its sides were adorned with the beaks (*rostra*) of the ships taken from the Antiates, or people of Antium.[1] A second *forum judiciale* was built by Julius Cæsar, and called *Forum Cæsaris* or *Julii*.[2] A third forum was built by Augustus, and called *Forum Augusti*.[3] These three fora seem to have been the only ones that were destined for the transaction of public business. All the others, which were subsequently built by the emperors, such as the Forum Trajani or Ulpium, the Forum Diocletiani, Forum Aureliani, &c., were probably more intended as embellishments of the city than to supply any actual want.

Different from the fora just mentioned were the numerous markets at Rome, which were neither as large nor as beautiful as the former. They are always distinguished from one another by epithets expressing the particular things which were sold in them; thus, *forum boarium*, the cattle market; *forum olitorium*, the vegetable market; *forum piscarium*, the fish market; *forum cupedinis*, the market for dainties, &c.

HILLS.

XII. The *Seven Hills*, on which the city was built, were the following:

(A.) *Mons Palatinus*, or Palatine Hill, on which stood the original city, or *Roma Quadrata*. It was also called *Palatium*, a corruption, as some think, of *Pallantium*, which last is said to have been the name of the early town on the hill. On the Palatine stood the residence of the emperors from Augustus downward, likewise called *Palatium*, whence the English term *palace*, to denote a royal abode.

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[1] *Liv.*, viii., 14. [2] *Suet.*, *Cæs.*, 26; *Plin.*, *H. N.*, xxxiv., 15; *Dion Cass.*, xliii., 22.
[3] *Suet.*, *Octav.*, 29.

Here, also, the Golden House of Nero (*Aurea Domus*) commenced, extending as far as the Esquiline.[1]

(B.) *Mons Capitolinus*, or Capitoline Hill, upon which stood the splendid edifice of the Capitol (*Capitolium*), whence the hill derived its name. The Capitoline was also called *Saturnius Mons*, from Saturn, who was fabled to have dwelt thereon; and *Tarpeius Mons*, from Tarpeia, who betrayed the citadel (*Arx*) to the Sabines. It had two summits, one called the *Arx*, the other the *Capitolium*, separated by a valley termed *Intermontium*. On the Capitoline was also the celebrated Tarpeian Rock (*Tarpeium Saxum; Tarpeia Rupes*), a rocky precipice on the side of the Tiber, from which, in earlier times, state criminals were accustomed to be thrown.[2]

(C.) *Mons Aventinus*, or Aventine Hill, so called, according to some, from Aventinus, an Alban king, who was buried on it. Its earlier name is said to have been *Mons Murcus* or *Murcius*, from a temple of Murcia at its base.[3] It was also called *Collis Dianæ*, from a temple of Diana.[4] On this hill Remus took his station to observe the omens, and hence it was deemed a place of evil omen, and was not included within the *Pomœrium* until the time of the Emperor Claudius.[5]

(D.) *Mons Quirinalis*, or Quirinal Hill, so called from the early Sabine town of *Quirium*, which stood upon it.[6] It was also termed *Mons Agonius*[7] and *Collinus*. The modern name is *Monte Cavallo*, from two statues of horses, of colossal size, brought to Rome by Constantine the Great, and placed on this hill by Sixtus V.[8]

(E.) *Mons Cœlius*, or Cœlian Hill, so named from Cæles Vibenna, a Tuscan leader, who is said to have settled here, having brought aid to Romulus against the Sabines.[9] Tiberius called it *Mons Augustus*.[10] It is now known as the *Lateran* Hill, from the Church of St. John in Laterano, so called because built on the estate in this quarter once belonging to Plautius Lateranus, who was put to death by the Emperor Nero.[11]

(F.) *Mons Viminalis*, or Viminal Hill, so called, as is thought, from the osiers (*a viminibus*) which grew there in abundance.[12] It was also styled *Mons Fagutalis*, from its numerous beeches (*fagi*).[13] At the present day it is almost unoccupied.

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[1] *Cic., de Republ.*, ii., 6; *Nardini, Rom. Vet.*, i., 2; *Dionys.*, i., 31; *Creuzer*, § 18.
[2] *Varro, L. L.*, iv., 7; *Liv.*, i., 11; *Plut., Rom.*, 17; *Creuzer*, § 19.
[3] *Festus, s. v.*; *Varro, L. L.*, iv., 32. [4] *Martial*, xii., 18, 3; vii., 72, 1.
[5] *Liv.*, i., 6; *Gell.*, xiii., 14; *Tacit., Ann.*, xii., 24; *Creuzer*, § 21.
[6] *Niebuhr, Rom. Hist.*, i., 289. Compare *Cic., de Leg.*, i., 1; *de Republ.*, ii., 10; *Liv.*, i., 16. [7] *Festus, s. v.* [8] *Nardini, Rom. Vet.*, ii., 2.
[9] *Plut., Rom.*, 17. Compare *Niebuhr*, i., 383. [10] *Suet., Tib.*, 48.
[11] *Donat., de Urb. Rom.*, iii., 12; *Creuzer*, § 20.
[12] *Varro, L. L.*, v., 51; *Festus, s. v.* [13] *Plin., H. N.*, xvi., 10; *Varro, L. L.*, v., 152.

(G.) *Mons Esquilinus*, or Esquiline Hill, the largest of the seven, and so called, according to some, from the thickets of oak (*æsculeta*) which grew on it;[1] but, according to others, from the nightly guard (*excubiæ*) said to have been posted there by Romulus,[2] whence some give the form of the name as *Exquilinus*.

Other Roman hills were the following: 1. *Collis Hortulorum*, between the Quirinal and the walls of Aurelian. It was so called from having been the site of the gardens of Sallust,[3] and was known at a later day as *Mons Pincius*, from the Pincii, a noble family, who had their seats here; 2. *Janiculum*, or *Mons Janiculensis*, standing over against the Capitoline Hill, and commanding the highest parts of the city, with which it was connected by the *Pons Sublicius*. It is supposed to have derived its name from Janus;[4] 3. *Mons Vaticanus*, or the Vatican Hill, so called from its having been the resort of soothsayers (*vates*),[5] or else from a deity named Vaticanus. It was disliked, as a place of abode, on account of its unhealthy atmosphere, arising from the stagnant waters in its vicinity;[6] at the present day, however, it forms one of the principal parts of Rome, and contains the Papal palace, St. Peter's Church, and the celebrated Vatican library.

BRIDGES.

XIII. The bridges over the Tiber were eight in number, namely, 1. *Pons Sublicius*, between the Aventine and Janiculum, the most ancient and celebrated of all. It was so called because formed of wooden beams (*e sublicis*),[7] and was built by Ancus Marcius when he united the Janiculum to the city,[8] and became renowned for the well-known feat of Horatius Cocles in the war with Porsena.[9] In later ages it was also called *Pons Æmilius*;[10] 2. *Pons Palatinus*, forming the communication between the Palatine and Janiculum;[11] 3. *Pons Fabricius*, and, 4. *Pons Cestius*, were the two that connected the *Insula Tiberina* with the opposite sides of the river, the first with the city, and the latter with the Janiculum.[12] Both are still remaining; 5. *Pons Janiculensis*, leading direct to the Janiculum. It occupied the site of the present *Ponte Sisto*, which was built by Sixtus IV. upon the ruins of the old bridge; 6. *Pons Vaticanus*, forming the communication between the Campus Martius and the Campus

[1] *Varro, L. L.*, v., 49. [2] *Ov., Fast.*, iii., 246. [3] *Suet., Ner.*, 50.
[4] *Virg., Æn.*, viii., 358; *Ov., Fast.*, i., 246. [5] *Festus, s. v.*; *Gell.*, xvi., 17.
[6] *Tacit., Hist.*, ii., 93; *Creuzer*, § 25. [7] *Festus, s. v. Sublicium.*
[8] *Liv.*, i., 33; *Dionys.*, iii., 183. [9] *Liv.*, ii., 10; *Val. Max.*, iii., 2, 1.
[10] *P. Vict., reg.*, xi.; *Juv.*, vi., 32. [11] *Inscrip. ap. Grut.*, p. 160, *n.* 1.
[12] *Dion Cass.*, xxxvii., 45; *Smith, Dict. Ant.*, *s. v. Pons.*

Vaticanus; 7. *Pons Ælius*, built by Hadrian, and leading from the city to the Mausolēum of that emperor, now the bridge and castle of St. Angelo;[1] 8. *Pons Milvius*, on the Via Flaminia, and now *Ponte Molle*. Upon this bridge the ambassadors of the Allobroges were arrested by Cicero's retainers during the conspiracy of Catiline.[2] It was built by Æmilius Scaurus the censor.[3]

ROADS.

XIV. There were thirty-one public roads (*Viæ*) issuing from Rome, some deriving their name from the city to which they led, as the *Via Ardeatina*, to Ardea; the *Via Ostiensis*, to Ostia; and others from the persons by whom they were constructed, as the *Via Appia*, by Appius Claudius; the *Via Flaminia*, by Flaminius, &c. Besides these there were numerous military roads intersecting the Roman dominions in all directions. The public roads were perhaps the greatest of all the Roman works, and were constructed with amazing labor and expense. They were generally raised above the ordinary surface of the ground, and frequently had two carriage tracks, separated by a raised foot-path in the centre. The centre, indeed, was always raised, so as to permit the water to run off easily, and hence the expressions *agger viæ*[4] and *summum dorsum*[5] frequently applied to it. Augustus erected a gilt marble pillar, called *Milliarium Aureum*,[6] in the forum, to mark the central point from which the great roads diverged to the several gates of Rome. It is uncertain, however, whether the miles on the several roads began to be reckoned from the pillar itself or from the city gates, though the latter seems more probable.[7] The miles were marked on stones, and hence the expressions *ad primum lapidem*, *ad centesimum lapidem*, "at the first mile," "at the hundredth mile," from the city, &c. Stones were also placed at smaller distances for travellers to rest on, and to assist those who had alighted in remounting their horses, for stirrups were not used until a late period.[8]

The construction and care of the roads, in the earlier periods of the republic, was committed to the censors, and when there were no censors in office, to the consuls, or, in their absence, to the prætor urbanus, ædiles, &c. In the time of the empire, each great line had an inspector-in-chief, called *Curator Viæ*.[9]

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1 *Spart., Hadr.*, c. 19. 2 *Cic. in Cat.*, iii., 2. 3 *Aur. Vict.*, c. 27, § 8.
4 *Isidor.*, xv., 16, § 7; *Ammian. Marcell.*, xix., 16. Compare *Virg., Æn.*, v., 273.
5 *Stat. Silv.*, iv., 3.
6 *Plin., H. N.*, iii., 5; *Dion Cass.*, liv., 8; *Suet., Oth.*, 6; *Tac., Hist.*, i., 27.
7 *Smith, Dict. Ant.*, and the authorities there cited.
8 *Plut. C. Gracch.*, 7. 9 *Smith, Dict. Ant.*, p. 1193, *b*.

The military roads were usually laid out in straight lines, from one station to another, with little regard to natural obstacles, which were frequently passed by means of very extensive works, as excavations, bridges, and, in some instances, tunnels of considerable length. The solidity of their construction is clearly shown by the existence of many that have borne the travel of near two thousand years without material injury. The Roman engineers were very particular in securing a firm bottom, which was done, when necessary, by ramming the ground with small stones, fragments of brick, &c. On this carefully-prepared foundation a pavement of large stones was firmly set in cement. Where large blocks could not be conveniently obtained, small stones of hard quality were sometimes cemented together with lime, forming a kind of concrete, of which masses extending to a depth of several feet are still in existence.[1] The most celebrated of the Roman roads, both on account of its length, and the difficulties that had to be surmounted in its construction, was the Appian, leading first to Capua, and continued afterward to Brundisium. It was hence called *Regina Viarum*.[2] Parts of it still remain, after a duration of more than two thousand years.

CAMPI.

XV. There were in Rome open spaces, called *Campi*,[3] covered with grass or turf, not paved, and serving as places of resort for amusements, sports, and exercises, military or others. Some make them to have been seventeen in number, but others, with more propriety, only eight.[4] Of these the most celebrated was the *Campus Martius*, or "Plains of Mars," frequently called the *Campus*[5] simply. It lay outside the city walls, between the Tiber, and the Capitoline, Quirinal, and Pincian Hills.[6] The name, however, was more usually applied to the northwest portion of the plain lying in the bend of the Tiber, which nearly surrounded it on three sides. The southern portion of the plain, in the neighborhood of the Circus Flaminius, was called *Circus Flaminius*, or *Campus Flaminius*, or *Prata Flaminia*. The Campus Martius is said to have belonged originally to the Tarquins, and on their expulsion to have become the property of the state, and to have been consecrated to Mars. The comitia of the centuries (*comitia centuriata*), for electing magistrates, were usually held here, and hence the expressions *nota campi*,[7] "a repulse," and *venalis campus*,[8] to denote that votes might be purchased. At a later day it was surrounded by porticoes, temples, and other

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1 *Penny Cyclop.*, xx., p. 29.
2 *Stat. Silv.*, ii., 2, 12.
3 *Creuzer*, § 31.
4 *Nardini, Rom. Vet.*, viii., 1.
5 *Id. ib.*, vi., 5, p. 1273; *Creuzer, l. c.*; *Horat., Ep. ad Pis.*, 162; *Id., Ep.*, i., 7, 59.
6 *Fuss, Rom. Ant.*, § 161; *Urlichs, Beschreib. Roms*, § 19.
7 *Val. Max.*, vi., 9, 14.
8 *Lucan.*, i., 180.

public buildings. It was included within the city walls by Aurelian.

TEMPLES.

XVI. There were more than four hundred *temples* in Rome, of which the following may be named as most worthy of notice.

(A.) The *Capitol* (*Capitolium*), or temple of Jupiter Capitolinus, situate on the Mons Capitolinus, which derived its name from the temple. On the northern summit of the hill stood the *Arx*, or citadel of Rome; on the southern one, the Capitol. This temple is said to have derived its name from the circumstance of a human head (*caput*) having been discovered in digging the foundations. The building of it was commenced by Tarquinius Priscus, and it was finished by Tarquinius Superbus, but was not dedicated till the third year of the republic, B.C. 507, by the consul Horatius. It was burned down in the civil wars, B.C. 83, but was rebuilt by Sulla, and was dedicated by Q. Catulus, B.C. 69. It was burned down a second time by the soldiers of Vitellius,[1] A.D. 69, and was rebuilt by Vespasian; but it was burned down a third time, in the reign of Titus, A.D. 80, and was again rebuilt by Domitian with greater splendor than before.[2] The Capitol contained three cells under the same roof: the middle cell was the temple of Jupiter, and on either side were the cells of his attendant deities Minerva and Juno, that of Minerva being on the right.[3] The Capitol was one of the most imposing buildings at Rome, and was adorned as befitted the majesty of the king of the gods. It was in the form of a square, namely, two hundred feet on each side, and one hundred steps led up to it from the forum. The gates were of bronze, and the ceiling and tiles were gilt. The gilding alone cost Domitian twelve thousand talents. In the Capitol were kept the Sibylline books. Here the consuls, upon entering on their office, offered sacrifice and took the vows, and hither the victorious general, who entered the city in triumph, was carried in his car, to return thanks to the father of the gods.

(B.) The *Pantheon* (Πάνθεον or Πάνθειον), built by M. Vipsanius Agrippa, and dedicated to Jupiter Ultor.[4] Besides the statue of this god, however, there were in six other niches as many colossal statues of other deities. This edifice derived its name, not from having been sacred to all the gods, as is commonly supposed, but from

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[1] *Dionys.*, iv., 61; *Gell.*, vii., 1. [2] *Tacit.*, *Hist.*, iii., 72. [3] *Suet.*, *Dom.*, 5.
[4] *Plin.*, *H. N.*, xxxvi., 15. Consult *Urlichs*, *Beschreib. Roms*, § 116.

its majestic dome, which represented, as it were, the "all divine" (πᾶν, θεῖον) firmament. It is now commonly called the *Rotunda*, from its circular form, and is a Christian church, consecrated to the Virgin and the Holy Martyrs.

(C.) The temple of *Apollo*, on the Palatine Hill, with a public library annexed, both founded by Augustus.[1] This library was much frequented by authors, who read their productions here.[2] A particular place was subsequently erected for this purpose by the Emperor Hadrian, and called *Athenæum*.

(D.) The temple of *Janus*, built by Numa, open in war, but closed in time of peace.[3] It was shut only once during the republic, at the end of the first Punic war; but thrice by Augustus, first after the battle of Actium, and the death of Antony and Cleopatra; a second time after the Cantabrian war; and for the third time when the Dacians, Dalmatians, and some of the German tribes were subdued by Tiberius and Drusus.[4]

(E.) The temple of *Mars Ultor*, or "the avenger," built by Augustus, and in which were suspended the standards taken from Crassus by the Parthians, but afterward restored by Phraates, the king of Parthia, to Augustus, along with the captives.[5]

BASILICÆ.

XVII. The *Basilicæ* were buildings of great beauty, being spacious halls adorned with columns and porticoes, which served as courts of law, and as exchanges or places of meeting for merchants and men of business. The first edifice of this description was not erected until B.C. 184. It was called *Basilica Porcia*, in honor of its founder, M. Porcius Cato.[6] Besides this, there were twenty others erected at different periods within the city. The name *Basilicæ* was adopted from the Athenians, whose second archon was styled ἄρχων βασιλεύς, and the tribunal, where he adjucated, στοὰ βασίλειος,[7] the substantive *aula* or *porticus* in Latin being omitted for convenience. In their form and construction these edifices were found, on the introduction of Christianity, to be well adapted for the purposes of a church, and hence many of them were converted to this use in the time of Constantine. Other churches were also built

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[1] *Suet.*, *Aug.*, 29. [2] *Horat.*, *Ep.*, i., 3, 17; *Id.*, *Sat.*, i., 10, 38.
[3] *Liv.*, i., 19; *Vell. Paterc.*, ii., 38; *Serv.*, *ad Virg.*, *Æn.*, i., 294; vii., 607.
[4] *Suet.*, *Aug.*, 22; *Horat.*, *Od.*, iv., 15, 9.
[5] *Suet.*, *Aug.*, 29; *Ov.*, *Fast.*, v., 551; *Dion Cass.*, liii., 33. [6] *Liv.*, xxxix., 44.
[7] *Pausan.*, i., 3, 1; *Demosth.*, *c. Aristogeit.*, p. 776; *Smith*, *Dict. Ant.*

after their model; and in this way the term *basilica* came to be employed in the modern Italian for "a cathedral church."

THERMÆ.

XVIII. The *Thermæ*, or hot-baths, must not be confounded with the *Balneæ*, or ordinary public baths. They were, in fact, a Roman adaptation of the Greek gymnasium, or Palæstra, containing a system of baths in conjunction with conveniences for athletic games and youthful sports, exedræ in which the rhetoricians declaimed, poets recited, and philosophers lectured, as well as porticoes and vestibules for the idle, and libraries for the learned. They were decorated with the finest objects of art, both in painting and sculpture, covered with precious marbles, and adorned with fountains, and shaded walks, and plantations, like the groves of the Academy. These Thermæ began and ended with the empire, for it was not until the time of Augustus that these magnificent structures were commenced. Thermæ were erected also by Nero, Titus, Trajan, Caracalla, Diocletian, &c., of many of which striking remains still exist.[1]

CIRCI.

XIX. The *Circi* were buildings appropriated for chariot and horse races, amounting to nine in number, the most important of which was the *Circus Maximus*, of which a more particular account will be given elsewhere. It was erected by Tarquinius Priscus, and could accommodate, according to Pliny, two hundred and sixty thousand spectators. Gladiatorial games were exhibited in the amphitheatres, the largest of which was the *Colossēum*, built by Vespasian, and capable of holding eighty-seven thousand spectators. An account of it will be given in another part. The *Naumachiæ* were places of exhibition for naval engagements. These fights were sometimes exhibited in the circus or amphitheatre, sufficient water being introduced to float ships, but more generally in buildings especially devoted to this purpose.

PORTICOES.

XX. The *Porticoes*, or colonnades (*Porticus*, στοαί) were very numerous in Rome, and consisted of a series of pillars, separated from each other by greater or less intervals (*intercolumniis*), which were sometimes filled with statues. They were either attached to

[1] *Smith, Dict. Ant.*, p. 193, *b*.

temples and other public buildings, or were built independent of any other edifice. Such shaded walks and places of resort are almost indispensable in the southern countries of Europe, where people live much in the open air, as a protection from the heat of the sun and from rain. In most of these porticoes seats were placed, that those who were tired might sit down. They were frequented not only by idle loungers, but also by philosophers, rhetoricians, and other persons fond of intellectual conversation. The Stoic school of philosophy at Athens derived its name from the circumstance that the founder of it (Zeno) used to converse with his disciples in a στοά. In the public porticoes at Rome a variety of business was occasionally transacted: we find that law-suits were conducted here, meetings of the senate held, goods exhibited for sale,[1] &c.

ARCHES.

XXI. The *Triumphal Arches* (*Arcus Triumphales*) were structures peculiar to the Romans. They were built across the principal streets of the city, and, according to the space of their respective localities, consisted of either a single archway, or of a central one for carriages, with two smaller ones on either side for foot passengers, sometimes having communication with the centre arch. Sometimes there were two arches of equal height side by side. Each front was ornamented with trophies and bas reliefs, which were also placed on the sides of the passages. There was also an inscription on the front, and the top was surmounted with bronze chariots, war horses, statues, and trophies. There are twenty-one arches recorded by different writers as having been erected in the city of Rome, five of which now remain.

PILLARS.

XXII. Single pillars (*Columnæ*) were also erected in commemoration of remarkable victories or persons. Among these some of the most memorable were the *columnæ rostratæ*, called by that name because three ship-beaks proceeded from each side of them, and designed to record naval victories.[2] The most important and celebrated of those which yet remain is one erected in honor of the consul C. Duillius, on occasion of his victory over the Carthaginian fleet, B.C. 261. It was originally placed in the Forum,[3] and is now preserved in the museum of the Capitol. The inscription upon it, in

[1] *Smith, Dict. Ant., s. v.*
[2] *Virg., Georg.*, iii., 29; *Serv., ad loc.*
[3] *Plin., H. N.*, xxxiv., 11.

great part effaced, is written in obsolete Latin, similar to that of the Twelve Tables.[1] Two other columns worthy of mention were those erected in honor of the emperors Trajan and M. Aurelius Antoninus.

Trajan's pillar was erected in the middle of his forum, composed of twenty-five great pieces of marble, but so skillfully cemented as to seem but one. Its height is 128 feet; according to Eutropius, however, 144 feet. It has in the inside 185 steps for ascending to the top, and 40 windows or openings for the admission of light. The whole pillar is incrusted with marble, on which are represented the warlike exploits of the emperor, particularly in Dacia. On the top was a colossal statue of Trajan. The pillar of Antoninus was erected to him by the senate after his death. It was 176 feet high, the steps of ascent 106, the windows 56. The sculpture and other ornaments were much of the same kind with those on Trajan's pillar, but the work greatly inferior. Both these pillars are still standing. Pope Sixtus V. caused the statue of St. Peter to be placed on Trajan's pillar, and of St. Paul on that of Antoninus.

AQUEDUCTS.

XXIII. Among the wonders of Rome we may also mention its *Aqueducts* (*Aquæ Ductus*), built at prodigious expense, carried through rocks and mountains, and over valleys, supported on stone or brick arches. They were fourteen in number, and only four of them belonged to the time of the republic, while five were built in the reigns of Augustus and Claudius. Some of the most important were, 1. The *Aqua Marcia*, over sixty-one miles in length (sixty-one thousand seven hundred and ten and a half *passus*), of which only seven thousand four hundred and sixty-three *passus* were above ground, namely, five hundred and twenty-eight on solid substructions, and six thousand nine hundred and thirty-five on arches. It was high enough to supply water to the summit of the Capitoline Mount. The water was the coldest and most wholesome of all that was brought to Rome;[2] 2. *Aqua Virgo*, built by Agrippa to supply his baths. Its water was as highly esteemed for bathing as that of Aqua Marcia was for drinking. The length of this aqueduct was fourteen thousand one hundred and five *passus*, of which twelve thousand eight hundred and sixty-five were under ground. It is one of the two aqueducts on the left bank of the Tiber which are still in use, though on a much diminished scale;[3] 3. *Aqua Claudia*, commenced by Caligula A.D. 36, and finished by Claudius in A.D. 50. Its length was forty-six thousand four hundred and six *passus* (nearly

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[1] *Quinctil.*, i., 7.

[2] *Frontin.*, *de Aquæduct.*, 12; *Plin.*, *H. N.*, xxxi., 3, 24; *Vitruv.*, viii., 3, 1; *Dion Cass.*, xlix., 42.

[3] *Frontin.*, 10; *Dion Cass.*, liv., 11; *Plin.*, *H. N.*, xxxi., 3, 25.

forty-six and a half miles), of which nine thousand five hundred and sixty-seven were on arches. Its water was the best after that of *Marcia*; 4. *Anio Novus*, like the preceding, commenced by Caligula, A.D. 36, and finished by Claudius, A.D. 50. Its length was nearly fifty-nine miles (fifty-eight thousand seven hundred *passus*), and some of its arches were one hundred and nine feet high.[1]

When all the aqueducts were in operation, the quantity of water must have amounted to 50,000,000 cubic feet. The water conducted to the city was received, when it reached the walls, at the termination of the aqueduct, into a vast reservoir called *castellum*, which formed the head of water, and also served the purpose of a *meter*. From this principal *castellum* the water flowed into other *castella*, whence it was distributed for public and private use. During the times of the republic, the censors and ædiles had the superintendence of the aqueducts; but under the emperors particular officers were appointed for that purpose, under the title of *curatores*, or *præfecti aquarum*. These officers were first created by Augustus, and were invested with considerable authority. In the time of Nerva and Trajan, about 700 architects and others were constantly employed, under the orders of the *curatores aquarum*, in attending to the aqueducts. The officers who had charge of these works were, 1. The *villici*, whose duty it was to attend to the aqueducts in their course to the city; 2. The *castellarii*, who had the superintendence of all the *castella*; 3. The *circuitores*, so called because they had to go from post to post, to examine into the state of the works, and also to keep watch over the laborers employed upon them; 4. The *silicarii*, or paviors; 5. The *tectores*, or plasterers. All these officers appear to have been included under the general term of *aquarii*.[2]

CLOACÆ.

XXIV. Of similar costliness and durability of structure were the *Sewers* (*Cloācæ*), for carrying off the impurities of the city into the Tiber. The most celebrated of these was the *Cloaca Maxima*, the construction of which is ascribed to Tarquinius Priscus,[3] and which was formed to carry off the waters brought down from the adjacent hills into the Velabrum and Valley of the Forum. Stabo and Pliny state that a cart loaded with hay could pass down the *Cloaca Maxima*. Dio Cassius also states that Agrippa, when he cleansed the sewers, passed through them in a boat. The mouth of the *Cloaca Maxima* is still visible.

LIMITS OF THE EMPIRE.

XXV. All this varied magnificence and these stupendous works

[1] *Smith, Dict. Ant.*; *Becker, Handb. d. Röm. Alterth.*, vol. i., p. 499, *seqq.*
[2] *Smith, Dict. Ant.*, p. 114.
[3] *Liv.*, i., 38; *Plin.*, xxxvi., 15, 24.

were the necessary consequence of those great and numerous conquests by which Rome had subjected to herself the greatest portion of the then known world. In the reign of Augustus, the Roman empire was bounded, to the east, by the Euphrates; to the south by the Cataracts of the Nile, the deserts of Africa, and Mount Atlas; to the west, by the Atlantic Ocean; and to the north, by the Rhine and Danube. Under some of the succeeding emperors these limits were pushed still farther. The Roman empire was above two thousand miles in breadth, from the wall of Antoninus and the northern limits of Dacia to Mount Atlas and the Tropic of Cancer. It extended in length more than three thousand miles, from the Western Ocean to the Euphrates. It was situated in the finest part of the temperate zone, between the twenty-fourth and fifty-sixth degrees; it was supposed to contain above one million six hundred thousand square miles, for the most part fertile and well-cultivated land, and, as far as we can gather from ancient sources, it contained a population of about one hundred and twenty millions.[1]

January 1. 1852.

CHAPTER II.

DIVISION OF THE ROMAN PEOPLE.

PATRICIANS, PLEBEIANS, AND EQUITES.—PATRONS AND CLIENTS.—TRIBES AND CURIÆ.—CLASSES AND CENTURIES.

I. In order that we may judge the political system of the Romans aright, we must view it in its different periods, and in connection with its three principal changes, the *Regal*, *Consular*, and *Imperial*.

II. The first of these forms of government continued till the year of Rome 244 (B.C. 510); the second till the year of Rome 723 (B.C. 31); and the third till the fall of the Western empire, A.D. 476. Before, however, we can consider the subject properly, we must speak concerning the division of the Roman people.

III. The original division of the Roman people appears to have been four-fold, namely, 1. Into *Patricians* and *Plebeians*, to which a third class, called *Equites*, was subsequently added; 2. into *Patrons* and *Clients*; 3. into *Tribes* and *Curiæ*; 4. into *Classes* and *Centuries*.

1. PATRICIANS, PLEBEIANS, EQUITES.

(A.) PATRICIANS.

I. The word *Patricii* (*Patricians*) is evidently a derivative from *pater*, which frequently occurs in the Roman writers as equivalent

[1] *Gibbon*, vol. i., c. 1.

to "senator," and it therefore signifies those who belonged to the *patres*.[1] It is a mistake, however, to suppose that the *patricii* were only the offspring of the *patres* in the sense of senators. On the contrary, the patricians were, in the early history of Rome, the whole body of Roman citizens, the *populus Romanus*, and there were no real citizens besides them.[2] The other parts of the Roman population, namely, clients and slaves, did not belong to the *populus Romanus*, and were not burghers or patricians.

II. The Senators, or *patres* (in the narrower sense of the word), were a select body of the *populus* or patricians, which acted as their representatives. The burghers or patricians consisted originally of three distinct tribes, which afterward became united into the sovereign *populus*. When the plebeians became a distinct class of citizens, the patricians, of course, ceased to be the only class of citizens, but they still retained the exclusive possession of all the power in the state. All civil and religious offices were in their possession, and they continued as before to be the *populus*, the nation now consisting of the *populus* and *plebs*.

III. In their relation to the plebeians, or the commonalty, the patricians were a real aristocracy of birth. A person born of a patrician family was and remained a patrician, whether he were rich or poor, whether he were a member of the senate or an *eques*, or held any of the great offices of the state or not: there was no power that could make a patrician a plebeian. The only way in which a patrician might become a plebeian was when, of his own accord, he left his *gens* and *curia*, and gave up the *sacra*, &c. A plebeian, on the other hand, or even a stranger, might be made a patrician by a *lex curiata*. This, however, appears to have been done very seldom; and the consequence was, that in the course of a few centuries, the number of patrician families became so rapidly diminished, that toward the close of the republic there were not more than fifty such families remaining.[3]

IV. Although the patricians throughout this whole period had the character of an aristocracy of birth, yet their political rights were not the same at all times. During the first centuries of the republic there was an almost uninterrupted struggle between the patricians and plebeians, in which the former exerted every means to retain their exclusive rights, but which ended in the establishment of the political equality of the two orders. Only a few insignificant priestly offices, and the performance of certain ancient religious rites and ceremonies, remained the exclusive privilege of the patricians,

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[1] *Cic., de Republ.*, ii., 12; *Liv.*, i., 8; *Dionys.*, ii., 8.

[2] *Niebuhr, Hist. Rom.*, i., p. 336; *Id.*, ii., p. 224, 225, *note* 507. [3] *Dionys.*, i., 85.

of which they were the prouder, as in former days their religious power and significance was the basis of their political superiority.[1]

V. At the time when the struggle between the patricians and plebeians ceased, a new kind of aristocracy began to arise at Rome, which was partly based upon wealth, and partly upon the great offices of the republic, and the term *Nobiles* (*i. e.*, persons who were "known") was given to all those whose ancestors had held any of the curule offices. Any persons who had filled such an office had the right of making images of themselves (*jus imaginum*). These images were made of wax, and painted, and were likenesses of those whom they represented down to the shoulders. They were preserved with great care, in cases, in the *atria*, or halls of houses, and were only brought out on solemn occasions, as, for instance, the funeral of a member of the family.[2] They were also accompanied with the *tituli*, or names of distinction which the deceased had acquired; and these *tituli* were connected in some way by lines or branches, so as to exhibit the pedigree (*stemma*) of the family. Hence the word *imagines* is frequently used as equivalent to nobility of birth,[3] and *homo multarum imaginum* signifies a person of great nobility, many of whose ancestors had held the higher offices of the state. Those individuals who were the first of their family that had raised themselves to any curule office were called *Novi homines*[4] or upstarts, and those who had no images of their own or their ancestors were termed *Ignobiles*. Some of the most distinguished men in the Roman state were *Novi homines*, as, for instance, Coruncanius, Cato, Mummius, Marius, Cicero, &c.

VI. In their dress and appearance the patricians were scarcely distinguished from the rest of the citizens, unless they were senators, curule magistrates, or equites, in which case they wore, like the others, the ensigns peculiar to these classes. The only thing by which they appear to have been distinguished in their apparel from the other citizens was a peculiar kind of shoe, which covered the whole foot and part of the leg, though it was not as high as the shoes of senators and the curule magistrates. These shoes were fastened with four strings (*corrigiæ* or *lora patricia*), and adorned with a *lunula* on the top.[5]

From the time of Constantine the dignity of *patricius* was a personal title, which conferred on the individual to whom it was granted a very

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[1] *Ambrosch, Studien und Andeutungen*, p. 58, *seqq.*

[2] *Plin., H. N.*, xxxv., 2; *Sen., de Benef.*, iii., 28; *Juv., Sat.*, viii., *init.*; *Tac., Ann.*, iii, 76; *Polyb.*, vi., 51. [3] *Sall., Jug.*, 85; *Liv.*, iii., 58. [4] *Sall., l. c.*; *Polyb.*, vi., 53.

[5] *Senec., de Tranquil. Anim.*, ii.; *Plut., Quæst. Rom.*, 75; *Stat. Silv.*, v., 2, 27; *Martial.*, i., 50, &c.

high rank and certain privileges. Hitherto patricians had been only genuine Roman citizens, and the dignity had descended from the father to his children; but the new dignity was created at Constantinople, and was not bestowed on old Roman families. It was given, without any regard to persons, to such men as had for a long time distinguished themselves by good and faithful services to the empire or the emperor. This new dignity was not hereditary, but became extinct with the death of the person on whom it was conferred; and when, during this period, we read of patrician families, the meaning is only that the head of such a family was a patrician.[1]

The name *patricius*, during this period, assumed the conventional meaning of "father of the emperor,"[2] and those who were thus distinguished occupied the highest rank among the *illustres*. The consuls alone ranked higher than a *patricius*. The titles by which a *patricius* was distinguished were *magnificentia, celsitudo, eminentia*, and *magnitudo*. They were either engaged in actual service (for they generally held the highest offices in the state, at the court, and in the provinces), and were then called *patricii præsentales*, or they had only the title, and were called *patricii codicillares* or *honorarii*.[3] All of them, however, were distinguished in their appearance and dress from ordinary persons, and seldom appeared before the public otherwise than in a carriage. The emperors were generally very cautious in bestowing this great distinction, though some of the most arbitrary despots conferred the honor upon young men, and even on eunuchs. Zeno decreed that no one should be made *patricius* who had not been consul, præfect, or *magister militum*.[4] Justinian, however, did away with some of these restrictions. The elevation to the rank of *patricius* was testified to the person by a writ called *diploma*.[5] This dignity was not confined to Romans, or subjects of the empire, but was sometimes granted to foreign princes, such as Odoacer, king of the Heruli, and others.

(B.) PLEBEIANS.

I. The *Plebeians* (*Plebes* or *Plebs*; *Plebeii*) were the body of commons, or the commonalty of Rome, and constituted one of the two great elements of which the Roman nation consisted. The time when they first appear as a distinct class of Roman citizens, in contradistinction to the patricians, is in the reign of Tullus Hostilius. Alba, the head of the Latin confederacy, was in his reign taken by the Romans and razed to the ground. The most distinguished of its inhabitants were transplanted to Rome and received among the patricians; but the great bulk of Alban citizens, who were likewise

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[1] *Zosim.*, ii., 40; *Cassiodor., Variar.*, vi., 2.
[2] *Ammian. Marcellin.*, xxix., 2; *Cod.*, 12, tit. 3, § 5.
[3] *Cassiod.*, viii., 9; *Savaron, ad Sidon. Apoll.*, i., 3.
[4] *Cod.*, 3, tit. 24, § 3.
[5] *Sidon. Apollin.*, v., 16; *Suidas, s. v.* Γραμματείδιον.

transferred to Rome, received settlements on the Cælian Hill, and were kept in a state of submission to the *populus Romanus* or the patricians.[1]

II. This new population of Rome, which in number is said to have been equal to the old inhabitants of the city, or the patricians, were the *Plebeians*.

III. After the conquest of Alba, Rome, in the reign of Ancus Marcius, acquired possession of a considerable extent of country, containing a number of dependent Latin towns, great numbers of the inhabitants of which were again transplanted to Rome, and incorporated with the plebeians already settled there, and the Aventine was assigned to them as their habitation.[2] Some portions of the land which these new citizens had possessed were given back to them by the Romans, so that they remained free land-owners as much as the conquerors themselves, and thus were distinct from the clients.

IV. The plebeians were citizens, but not *optimo jure;* they were perfectly distinct from the patricians, and the only point of contact between the two estates was the army. The plebeians were obliged to fight and shed their blood in defence of their new fellow-citizens, without being allowed to share any of their rights and privileges, and without even the right of intermarriage (*connubium*). In all judicial matters they were completely at the mercy of the patricians, and had no right of appeal against any unjust sentence. They continued, however, to have their own *sacra*, which they had before the conquest, though these were regulated by the patrician pontiffs.[3] The plebeians were not bound, like the clients, to have a *patronus*.

V. The population of the Roman state thus consisted of two opposite elements: a ruling class or an aristocracy, and the commonalty, which last enjoyed none of the rights that might enable them to take part in the management of public affairs, religious or civil. Their citizenship resembled the relation of aliens to a state, in which they are merely tolerated on condition of performing certain services, and they are, in fact, sometimes called *peregrini*.

VI. That such a state of things could not last is a truth which must have been felt by every one who was not blinded by his own selfishness and love of dominion. Tarquinius Priscus was the first who conceived the idea of placing the plebeians on a footing of equality with the old burghers, by dividing them into three tribes, which he intended to call after his own name and those of his friends,[4] but

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[1] *Liv.*, i., 30; *Dionys.*, iii., 29, 31; *Val. Max.*, iii., 4, 1.

[2] *Liv.*, i., 33; *Dionys.*, iii., 31, 37.

[3] *Fest., s. v. Municipalia Sacra.*

[4] *Verrius Flaccus, ap. Fest., s. v. Navia; Liv.*, i., 36; *Dionys.*, iii., 71; *Cic., de Republ.*, ii., 20.

this noble plan was frustrated by the opposition of the augur Attus Navius, who probably acted the part of a representative of the patricians. All that Tarquinius could do was to effect the admission of the noblest plebeian families into the three old tribes, who were distinguished from the old patrician families by the names of Ramnes, Tities, and Luceres *secundi*, and their gentes are sometimes designated by the epithet *minores*.[1]

VII. It was reserved for his successor, Servius Tullius, to give the commonalty a regular internal organization, and to determine their relations to the patricians. He first divided the city into four parts, and then the subject country around, which was inhabited by plebeians, into twenty-six regions or local tribes,[2] and in these regions he assigned lots of land to those plebeians who were yet without landed property. Each tribe had its præfect, called *Tribunus*.[3] The tribes had also their own *sacra*, festivals, and meetings (*Comitia Tributa*), which were convoked by their tribunes.

VIII. Still, however, the plebeians possessed no right to interfere in any way in the management of public affairs, or in the elections, which were left entirely to the senate and the patrician *curiæ*. These rights, however, they obtained by another regulation of Servius Tullius. For this purpose, he instituted a census, and divided the whole body of Roman citizens, plebeians as well as patricians, into five classes, according to the amount of their property. Taxation and the military duties were arranged, according to these classes, in such a way that the heavier burdens fell upon the wealthier classes. The whole body of citizens thus divided was formed into a great national assembly called *Comitia Centuriata*.

IX. In this assembly the plebeians now met the patricians apparently on a footing of equality, but the votes were distributed in such a way that it was always in the power of the wealthiest classes, to which the patricians naturally belonged, to decide a question before it was put to the vote of the poorer classes. In this constitution, thus established by Servius, the plebeians, as such, did not obtain admission to the senate, nor to the highest magistracy, nor to any of the priestly offices. To all these offices the patricians alone thought themselves entitled by divine right. The plebeians also continued to be excluded from occupying any portion of the public land, which as yet was possessed only by the patricians, and they were only allowed to keep their cattle upon the common pasture.

X. In the early times of the republic there was a constant struggle between the two orders, the history of which belongs to the his-

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[1] *Fest.*, s. v. *Sex Vestæ Sacerdotes*; *Cic.*, *de Republ.*, ii., 20; *Liv.*, i., 35, 47.

[2] *Liv.*, i., 43; *Dionys.*, iv., 14.

[3] *Dionys.*, iv., 14; *Appian.*, *B.C.*, iii., 23.

tory of Rome, and can not be given here. Eventually the plebeians gained access to all the civil and religious offices, until at last the two hostile elements became united into one great body of Roman citizens with equal rights, and a state of things arose totally different from what had existed before.

It frequently occurs in the history of Rome that one and the same *gens*, or house, contains plebeian as well as patrician families. In the *gens Cornelia*, for instance, we find the plebeian families of the *Balbi*, *Mammulæ*, *Merulæ*, &c., along with the patrician *Scipiones*, *Sullæ*, *Lentuli*, &c. The occurrence of this phenomenon may be accounted for in different ways. It may have been that one branch of a plebeian family was made patrician, while the other remained plebeians.[1] It may also have happened that two families had the same *nomen gentilicium*, without being actual members of the same gens.[2] Again, a patrician family might go over to the plebeians, and as such a family continued to bear the name of its patrician gens, this gens apparently contained a plebeian family.[3]

(C.) EQUITES.

I. Great confusion has prevailed on the subject of the Roman equites among modern writers, from confounding the equites as constituting merely a division of the Roman army, with the equites as forming a distinct class, or ordo, in the Roman constitution. The former belong properly to the subject of military antiquities.

II. As, however, an account of the Equestrian order must necessarily contain some allusions to the military class of equites, we have deemed it expedient to give here a sketch of both in succession, commencing with the latter as the earlier organization of the two.

The Equites as a Military Class.

I. Romulus is said to have formed three centuries of *equites*; and these were the same as the three hundred *Celeres*, whom he kept about his person in peace and war. A century was taken from each of the three tribes, the Ramnes, Titienses, and Luceres.[4] Tarquinius Priscus added three more, under the title of Ramnes, Titienses, and Luceres *posteriores*.[5] These were the six patrician centuries of equites, often referred to under the name of the *sex suffragia*. To these Servius Tullius added twelve other centuries, for admission into which, property and not birth was a qualification. A prop-

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[1] *Cic.*, *Brut.*, 16; *Id.*, *de Leg.*, ii., 3; *Suet.*, *Ner.*, 1.

[2] *Cic.*, *Brut.*, 16; *Tac.*, *Ann.*, iii., 48. [3] *Liv.*, iv., 16; *Plin.*, *H. N.*, xviii., 4.

[4] *Dionys.*, ii., 13; *Varro*, *L. L.*, v., 91, *ed. Müller*; *Plin.*, *H. N.*, xxxiii., 9.

[5] *Liv.*, i., 36.

erty qualification, however, besides birth, seems also to have been required in the earlier six.[1]

II. Property, however, was not the only qualification for admission into the twelve Servian centuries; for in the ancient times of the republic, no one was admitted unless his character was unblemished, and his father and grandfather had been born freemen.

III. Each of the equites received a horse from the state (*equus publicus*), or money to purchase one, as well as a sum of money for its annual support.[2] The expense of this support was defrayed by the orphans and unmarried females; since, in a military state, it could not be esteemed unjust that the women and the children were to contribute largely for those who fought in behalf of them and of the commonwealth.[3] The purchase money for a knight's horse was called *æs equestre*, and its annual provision *æs hordearium*.[4] The former amounted, according to Livy, to ten thousand *asses*, and the latter to two thousand.[5] 1 horse = 10000 asses

IV. In the course of time we read of another class of equites in Roman history who did not receive a horse from the state, and who were not included in the eighteen centuries. This latter class is first mentioned by Livy,[6] in his account of the siege of Veii, B.C. 403. He says that during the siege, when the Romans had at one time suffered great disasters, all those citizens who had an equestrian fortune, and no horse allotted to them, volunteered to serve with their own horses; and he adds, that from this time equites first began to serve with their own steeds. The foot soldiers had received pay a few years before;[7] and two years afterward, B.C. 401, the pay of the equites was made three-fold that of the infantry.[8]

V. From the year B.C. 403, there were, therefore, two classes of Roman knights: one who received horses from the state, and are, therefore, frequently called *equites equo publico*,[9] and sometimes *Flexumines* or *Trossuli*,[10] and another class, who served when they were required, with their own horses, but were not classed among the eighteen centuries. As they served on horseback, they were called *equites*; and when spoken of in opposition to cavalry, which did not consist of Roman citizens, they were also called *equites Romani*; but they had no legal claim to the name of equites, since, in ancient times, this title was strictly confined to those who received horses from the state.[11]

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[1] *Liv.*, i., 43. [2] *Ib., l. c.*; *Cic., de Repub.*, ii., 20. [3] *Niebuhr, Hist. Rom.*, i., 461. [4] *Gaius*, iv., 27. [5] *Liv.*, i., 43. [6] *Ib.*, v., 7. [7] *Ib.*, iv., 59. [8] *Ib.*, v., 12. Compare *Niebuhr, Rom. Hist.*, ii., p. 439. [9] *Cic., Phil.*, vi., 5. [10] *Plin., H. N.*, xxxiii., 9; *Festus, s. v.* Göttling makes it an Etrurian word (*Gesch. der Röm. Staatsv.*, p. 372). [11] *Plin., H. N.*, xxxiii., 7.

VI. The inspection of the equites who had received horses from the state belonged to the censors, who had the power of depriving an eques of his horse, and reducing him to the condition of an ærarian (*ærarium faciebant*),[1] that is, depriving him of all his rights and privileges except freedom, and yet compelling him to pay taxes to the state. They could also give the vacant horse to the most distinguished of the equites who had previously served at their own expense. For these purposes they made during their censorship a public inspection (*equitatum recognoscebant*) of all the knights who possessed public horses.[2] The inspection took place in the forum. The tribes were taken in order, and each knight was summoned by name. Every one, as his name was called, walked past the censors, leading his horse.

VII. If the censors had no fault to find either with the character of the knight or the equipments of his horse, they ordered him to pass on (*traduc equum*);[3] but if, on the contrary, they considered him unworthy of his rank, they struck him out of the list of knights, and deprived him of his horse, or ordered him to sell it,[4] with the intention, no doubt, that the person thus degraded should refund to the state the money which had been advanced to him for its purchase.[5]

VIII. This review of the equites by the censors must not be confounded with the *Equitum Transvectio*, which was a solemn procession of the body every year, on the Ides (15th) of July. The procession started from the temple of Mars outside the city, and passed through the city over the forum, and by the temple of the Dioscuri. On this occasion the equites were always crowned with olive chaplets, and wore their state dress, the *trabea*, a white toga ornamented with purple horizontal stripes, together with all the honorable distinctions which they gained in battle.[6]

IX. The class of equites whom we are here considering still existed during the latter years of the republic, but had entirely ceased to serve as horse soldiers in the army. The cavalry of the Roman legion no longer consisted, as in the time of Polybius, of Roman equites, but their place was supplied by the cavalry of the allied states. It is evident that Cæsar, in his Gallic wars, possessed no Roman cavalry.[7] When he went to an interview with Ariovistus, and was obliged to take cavalry with him, we are told that he did not dare to trust his safety to the Gallic cavalry, and therefore mounted his legionary soldiers upon the horses of the latter.[8] The

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1 *Liv.*, xxiv., 43. 2 *Id.*, xxxix., 44; *Val. Max.*, ii., 9, 6. 3 *Val. Max.*, iv., 1, 10.
4 *Liv.*, xxxix., 44; *Id.*, xxix., 37. 5 *Niebuhr, Hist. Rom.*, i., p. 433.
6 *Dionys.*, vi., 13. 7 *Bell. Gall.*, i., 15. 8 *Ib.*, i., 42.

Roman equites are, however, frequently mentioned in the Gallic and civil wars, but never as common soldiers; they were officers attached to the staff of the general, or commanded the cavalry of the allies, or sometimes the legions.[1]

X. When Augustus took upon himself, in B.C. 29, the *præfectura morum*, or superintendence of public morals (there having been no censors in the state after B.C. 50), he frequently reviewed the troops of equites, and restored the long-neglected custom of the *Transvectio*.[2] From this time these equites formed an honorable corps, from which all the higher officers in the army[3] and the chief magistrates in the state were chosen. Admission into this body was equivalent to an introduction into public life, and was, therefore, esteemed a great privilege. If a young man was not admitted into this body, he was excluded from all civil offices of any importance except in municipal towns, and also from all rank in the army with the exception of centurion.

XI. All those equites who were not employed in actual service were obliged to reside at Rome,[4] where they were allowed to fill the lower magistracies, which entitled a person to admission into the senate. They were divided into six *turmæ*, each of which was commanded by an officer, who is frequently mentioned in inscriptions as *Sevir equitum Romanorum turmæ* I. II., &c., or commonly *Sevir turmæ* or *Sevir turmarum equitum Romanorum*.

XII. In the time of the censors, the *eques* whose name stood first on the censor's roll was styled *Princeps Juventutis*. In the reign of Augustus this appellation was conferred upon Caius and Lucius Cæsar, the grandsons of that emperor,[5] and it became the custom thenceforward to confer the title, as well as that of *Sevir*, upon the probable successor to the throne when he first entered into public life, and was presented with an *equus publicus*.[6]

XIII. After the time of Diocletian, the equites became only a city guard, under the command of the *præfectus vigilum*; but they still retained, in the time of Valentinian and Valens, A.D. 364, the second rank in the city, and were not subject to corporeal punishment.[7] Respecting the *Magister Equitum*, see *Dictator*.

The Equites as a Class or Ordo in the Constitution.

I. In the year B.C. 123, a new class, called *Ordo Equestris*, or the Equestrian Order, was formed in the state by the *Lex Sempro-*

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[1] *Bell. Gall.*, vii., 70; *Bell. Civ.*, i., 77; iii., 71, &c.
[2] *Suet., Aug.*, 38.
[3] *Suet., Aug.*, 38; *Claud.*, 25.
[4] *Dion Cass.*, lix., 9.
[5] *Tac., Ann.*, i., 3; *Monum. Ancyr.*
[6] *Capitol., M. Anton. Phil.*, 6; *Lamprid., Commod.*, 1.
[7] *Cod. Theodos.*, 6, tit. 36.

nia, introduced by C. Gracchus. By this law, or one passed a few years afterward, every person who was to be chosen a *judex* was required to be above thirty and under sixty years of age; to have either an *equus publicus*, or to be qualified by his fortune to have one; and not to be a senator.[1] The number of *Judices* required yearly was chosen from this class by the *Prætor Urbanus*.[2]

II. The fortune required was four hundred *sestertia*, or four hundred thousand *sestertii*, which amount of property it was even requisite, in the time of Tiberius, that not only the individual himself should possess, but that his father and grandfather before him should have owned.

III. As the name of equites had been originally extended from those who possessed the public horses to those who served with their own horses, it now came to be applied to all those persons who were qualified by their fortune to act as *judices*, in which sense the word is usually employed by Cicero.

IV. After the reform of Sulla, which entirely deprived the equestrian order of the right of being chosen as *judices*, and the passing of the *Lex Aurelia* (B.C. 70), which ordained that the *judices* should be chosen from the senators, *equites*, and *tribuni ærarii*, the influence of the order, says Pliny, was still maintained by the *publicani*, or farmers of the public taxes.[3]

V. We find that the *publicani* were almost always called equites, not because any particular rank was necessary in order to obtain from the state the farming of the taxes, but because the state was not accustomed to let them to any one who did not possess a considerable fortune. Thus the *publicani* are frequently spoken of by Cicero as identical with the equestrian order.[4] The consulship of Cicero, and the active part which the knights then took in suppressing the conspiracy of Catiline, tended still farther to increase the power and influence of the equestrian order; and from that time, according to Pliny,[5] it became a third body (*corpus*) in the state, and to the title of *Senatus Populusque Romanus* there began to be added *Et Equestris Ordo*.

VI. In B.C. 63, a distinction was conferred upon them which tended to separate them still farther from the *plebs*. By the *Lex Roscia Othonis*, introduced by L. Roscius Otho, and passed in that year, the first fourteen seats in the theatre behind the orchestra was given to the equites.[6] They also possessed the right of wearing the *Clavus Angustus* (see *Clavus*), and subsequently obtained the

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[1] *Plut.*, *C. Gracch.*, 5; *Appian.*, *Bell. Civ.*, i., 22; *Tac.*, *Ann.*, xii., 60.
[2] *Klenze*, *Lex Servilia*, Berl., 1825.
[3] *Plin.*, *H. N.*, xxxiii., 8.
[4] *Ep. ad Att.*, ii., 1, 8.
[5] *Plin.*, *l. c.*
[6] *Liv.*, *Epit.*, 99.

where?

privilege of wearing a gold ring, which was originally confined to the equites *equo publico*.

VII. The number of equites increased greatly under the early emperors, and all persons were admitted into the order, provided they possessed the requisite property,[1] without any inquiry into their character, or into the free birth of their father and grandfather. The order, in consequence, gradually began to lose all the consideration which it had acquired during the later times of the republic.

VIII. Augustus formed a select class of equites, consisting of those equites who possessed the property of a senator, and the old requirement of free birth up to the grandfather. He permitted this class to wear the *latus clavus*;[2] and also allowed the tribunes of the plebs to be chosen from them, as well as the senators, and gave them the option, at the termination of their office, to remain in the senate or return to the equestrian order.[3] This class of knights was distinguished by the special title of *illustres* (sometimes *insignes* and *splendidi*) *equites Romani*.[4]

IX. The formation of this distinct class tended to lower the others still more in public estimation. In the ninth year of the reign of Tiberius, an attempt was made to improve the order by requiring the old qualifications of free birth up to the grandfather, together with that of fortune already referred to, and by strictly forbidding any one to wear the gold ring unless he possessed this qualification. This regulation, however, was of little avail, as the emperors frequently admitted freedmen into the equestrian order.[5] When private persons were no longer appointed judices, the necessity for a distinct class in the community, like the equestrian order, ceased entirely, and the gold ring came at length to be worn by all free citizens. Even slaves, after their manumission, were allowed to wear it by special permission from the emperor, which appears to have been usually granted, provided the patronus gave his consent.[6]

2. PATRONS AND CLIENTS.

I. The second division requiring our attention is that of *Patrons* and *Clients*, or *Patroni* and *Clientes*.

II. In the earliest times of the Roman state we find a class of persons called *Clientes*, who must not be confounded, as they often have been, with the plebeians, from whom they were entirely distinct.[7]

III. The clients were not slaves: they had property of their own and freedom, and appear to have had votes in the *comitia centuriata*,

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[1] *Horat., Ep.*, i., 1, 58. [2] *Ovid., Trist.*, iv., 10, 35.
[3] *Suet., Aug.*, 40; *Dion Cass.*, liv., 30. [4] *Tac., Ann.*, xi., 4; *Lips., ad loc.*
[5] *Plin., H. N.*, xxxiii., 8. [6] *Dig.*, 40, tit. 10, s. 3. [7] *Dionys.*, ii., 10.

but they did not possess the full rights of Roman citizens; and the peculiarity of their condition consisted in every client being in a state of dependence upon or subjection to some patrician, who was called his *patronus*, and to whom he owed certain rights and duties. The *patronus*, on the other hand, likewise incurred certain obligations toward his client.

IV. The relationship between patron and client was expressed by the word *clientela*,[1] which also expressed the whole body of a man's clients.

V. The patron was the legal adviser of the client; he was the client's guardian and protector, as he was the guardian and protector of his own children; he maintained the client's suit when he was wronged, and defended him when another complained of being wronged by him: in a word, the patron was the guardian of the client's interests, both private and public.[2]

VI. The client, on the other hand, contributed to the marriage portion of the patron's daughter, if the patron was poor; and to his ransom, or that of his children, if they were taken prisoners; he paid the cost and damages of a suit which the patron lost, and any penalty in which he was condemned; he bore a part of the patron's expenses incurred by his discharging public duties, or filling the honorable places in the state.[3]

VII. Neither patron nor client could accuse each other, or bear testimony against or give his vote against the other. This relationship between patron and client was hereditary, and resembled in all respects the relationship by blood. It became a point of honor with patrician families to have as many clients as possible.[4]

VIII. The relation of a master to his liberated slave (*libertus*) was also expressed by the term *patronus*, and the *libertus* was the *cliens* of the *patronus*.

IX. Distinguished Romans were also the protectors of states and cities which were in a certain relation of subjection to or dependence on Rome.[5] This species of patronage was also hereditary, and thus became a badge of several illustrious families. In this way the Sicilians were under the patronage of the Marcelli;[6] the Bononienses of the Antonii;[7] the Allobroges of the Fabii;[8] the Lacedæmonians of the Claudii.[9] This kind of patronage generally dated from the subjugation of the city or community by a member of the family that afterward retained the rights of patronage.

In the days of Roman freedom, clients were in the habit of testifying

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1 *Cic., ad Att.*, xiv., 12. 2 *Dionys., l. c.* 3 *Ib., l. c.* 4 *Ib., l. c.*
5 *Suet., Aug.*, 17. 6 *Cic., in Cæcil.*, 4; *Id., in Verr.*, iii., 18.
7 *Suet., Aug.*, 17. 8 *Sall., Cat.*, 41. 9 *Suet., Tib.*, 6.

respect for their patron by thronging his *atrium*, or hall, at an early hour, and escorting him to places of public resort when he went abroad. As an acknowledgment of these courtesies, some of the number were usually invited to partake of the evening meal. After the extinction of liberty, the presence of such guests, who had now lost all political importance, was soon regarded as an irksome restraint, while at the same time many of the noble and wealthy were unwilling to sacrifice the pompous display of a numerous body of retainers. Hence the practice was introduced under the empire of bestowing on each client, when he presented himself for his morning visit, a certain portion of food as a substitute and compensation for the occasional invitation to a regular supper (*cœna recta*), and this dole, being carried off in a little basket provided for the purpose, received the name of *sportula*.

For the sake of convenience, it soon became common to give an equivalent in money, the sum established by general usage being a hundred *quadrantes*.[1] The donation in money, however, did not entirely supersede the *sportula* given in kind, for we find in Juvenal a lively description of a great man's vestibule crowded with dependants, each attended by a slave bearing a portable kitchen to receive the viands and keep them hot while they were carried home.[2] Under the empire, great numbers of the lower orders derived their whole sustenance, and the funds for ordinary expenditure, exclusively from this source, while even the high-born did not scruple to increase their incomes by taking advantage of the ostentatious profusion of the rich and vain.[3]

Jan. 5. 1852

3. TRIBES AND CURIÆ.

I. We come next in order to the division of the people into *Tribes* and *Curiæ*, a subject to which allusion has already been partially made.

II. The burghers or patricians, as has before been remarked,[4] consisted originally of three tribes, called *Ramnes*, *Tities*, and *Luceres*, or *Ramnenses*, *Titienses*, and *Lucerenses*. Each of these tribes consisted of ten *curiæ*, and each *curia* of ten *gentes*, and of the same number of *decuriæ*, which were established for representative and military purposes.

III. The *first* tribe, or *Ramnes*, was a Latin colony on the Palatine Hill, said to have been founded by Romulus. As long as it stood alone, it contained only one hundred *gentes*, and had a senate of one hundred members. The *second* tribe, or *Tities*, were Sabine settlers, on the Quirinal and Viminal Hills, under King Tatius. When these became united to the Ramnes, the number of gentes, as well as that of senators, was increased to two hundred.

IV. These two tribes continued probably for a considerable time

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[1] *Juv.*, *Sat.*, i., 120; *Martial.*, x., 70, 75.
[2] *Juv.*, *Sat.*, iii., 249.
[3] *Juv.*, *Sat.*, i., 95.
[4] Page 18.

after their union to be the patricians of Rome, until the *third* tribe, the *Luceres*, became united with them. The Luceres consisted chiefly of Etruscans, and were settled on the Cælian Hill. The union between the *Ramnes* and *Titics* took place in the time of Romulus; but the *Luceres* were not added until the reign of Tarquinius Priscus, who on that occasion increased the number of senators to three hundred.

V. These three ancient tribes must be carefully distinguished from the thirty tribes subsequently established by Servius Tullius. They consisted entirely of patricians, and continued of political importance almost down to the period of the decemviral legislation; but after this time they no longer occur in the history of Rome except as an obsolete institution.

VI. We now come to the plebeian tribes. These were established by Servius Tullius, who divided the whole body of the plebeians into thirty tribes, in imitation of the thirty patrician *curiæ*. Four of these tribes were for the city, and were called *tribus urbanæ*, or city tribes; the remainder were for the country around Rome, and were called country tribes, or *tribus rusticæ*.

VII. The number of city tribes always remained the same, and they were called by the same names as the regions which they occupied, *Suburana*, *Esquilina*, *Collina*, and *Palatina*.[1] The twenty-six country tribes were reduced to sixteen after the war with Porsena, that monarch having deprived Rome of one third of her territory, or, in other words, of ten tribes. Subsequently, however, additions were again made to the country tribes at different periods, until their number reached thirty-one, and that of all the tribes thirty-five. This number of thirty-five tribes, city and country ones, remained thereafter unaltered.

VIII. Down to the period of the decemviral legislation, it appears probable that the tribes established by Servius were entirely plebeian. From this time, however, the patricians and their clients were incorporated in them. The city tribes at first were on an equal footing in point of respectability with the country ones, or, rather, were superior to them in this respect; at length, however, becoming crowded with the rabble, they were considered less respectable, and most of the wealthier men enrolled themselves in the country tribe in which their farms happened to lie.

IX. When the tribes, in their assemblies, transacted any business, a certain order (*ordo tribuum*) was observed, in which they were called upon to give their votes. The first in the order of succession was the *tribus Suburana*, and the last the *Arniensis*.[2] Any person

[1] *Varro, L. L.*, v., 56; *Festus, s. v. Urbanas tribus.* [2] *Cic., de Leg. Agr.*, ii., 29.

belonging to a tribe had, in important documents, to add to his own name that of his tribe, in the ablative case.[1]

Each of the country tribes was subdivided into a certain number of districts called *pagi*. By the term *pagi* were originally meant fortified places in the neighborhood of Rome, to which the country people might retreat in case of a hostile inroad.[2] Subsequently, however, the name was given to the country adjoining the fortified village, as well as to the village itself, in which latter sense it is here employed. There was a magistrate at the head of each *pagus*, who kept a register of the names and property of all persons in the *pagus*, raised the taxes, and summoned the people, when necessary, to war. Each *pagus* had its own sacred rites, and an annual festival called *Paganalia*.[3] The *pagani*, or inhabitants of the *pagi*, had their regular meetings, at which they passed resolutions.[4] This division of the country people into *pagi* continued to the latest times of the Roman empire.

The term *pagani* is often used in opposition to *milites*, and is applied to all who were not soldiers, even though they did not live in the country.[5] The Christian writers gave the name of *pagani* to those persons who adhered to the old Roman religion, because the latter continued to be generally believed by the country people after Christianity had become the prevailing religion of the inhabitants of the towns.[6]

X. Each of the thirty *curiæ* at Rome had a president called *Curio*, who performed the sacred rites, a participation in which served as a bond of union among the members. The *Curiones* themselves formed a college of thirty priests, and were presided over by an officer called *Curio Maximus*. Each of these corporations had its common hall called *curia*, in which meetings were held for religious and other purposes.

4. CLASSES AND CENTURIES.

I. Servius Tullius, the author of the division into tribes which has just been mentioned, made another arrangement of the Roman people into Classes and Centuries (*Classes et Centuriæ*).

II. The object of the legislator appears to have been to unite into one body the *populus* or patricians (the old burgesses of the three tribes), and the *plebs* or commonalty, who had grown up by their side, and to give the chief weight in the state to wealth and numbers rather than to birth and family pretensions.

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[1] Compare *Becker, Handb. der Röm. Alterthüm.*, vol. ii., pt. i., p. 164, *seqq.*

[2] *Dionys.*, iv., 15.

[3] *Id.*, iv., 15; *Varro, L. L.*, vi., 24, 26, *ed. Müller*; *Macrob., Sat.*, i., 16, &c.

[4] *Orelli, Inscr.*, n. 3793, 4083, 106, &c.

[5] *Plin., Ep.*, x., 18; *Juv., Sat.*, xvi., 32; *Suet., Aug.*, 27.

[6] *Isidorus*, viii., 10; *Cod. Theod.*, 16, tit. 10; *Cod. Just.*, i., tit. 11.

III. With a view to this, he formed a plan, by virtue of which the people would vote, on all important questions, according to their equipments when on military service, and according to the position which they occupied in the great phalanx or army of the city: in other words, according to their property; for it was this which enabled them to equip themselves according to the prescribed method.

IV. This arrangement considered the whole state as forming a regular army, with its cavalry, heavy-armed infantry, reserve, carpenters, musicians, and baggage train. The cavalry included, first, the six equestrian centuries, or the *sex suffragia*, which consisted exclusively of patricians, who had the requisite amount of property; to which were added twelve centuries of plebeian equites, selected from the richest members of the commonalty.[1]

V. The foot soldiers were organized in five classes, as follows: The *first* class consisted of those whose property amounted to at least one hundred thousand *asses*, or pounds' weight of copper. They were equipped in a complete suit of bronze armor. In order to give their wealth and importance its proper political influence, they were reckoned as forming eighty centuries, namely, forty of young men (*juniores*) from seventeen to forty-five years, and forty of older men (*seniores*), of forty-five years and upward.

VI. The *second* class consisted of those whose property was above seventy-five thousand, and under one hundred thousand *asses*. They were equipped with the wooden *scutum* instead of the bronze *clipeus*, but had no coat of mail. They made up twenty centuries, ten of *juniores* and ten of *seniores*.

VII. The *third* class consisted of those whose property was above fifty thousand *asses*, and below seventy-five thousand, and who had neither coat of mail nor greaves. They formed the same number of centuries as the second class, similarly divided into *juniores* and *seniores*.

VIII. The *fourth* class consisted of those whose property was above twenty-five thousand *asses*, and below fifty thousand. They were armed with the pike and javelin only. This class also contained twenty centuries.

IX. The *fifth* class consisted of those whose property was between twelve thousand five hundred, and twenty-five thousand *asses*. They were armed with slings and darts, and formed thirty centuries.

X. The first four classes composed the phalanx; the fifth class the light-armed infantry. Those citizens whose property fell short of the qualification for the fifth class were reckoned as supernume-

[1] *Liv.*, i., 43; *Dionys.*, iv., 16, &c. These are the principal authorities on the subdivisions in question, although differing in some particulars from one another.

raries, and did not form any class. Of these, however, there were two centuries of the *accensi* and *velati*, whose property exceeded fifteen hundred *asses*; one century of the *proletarii*,[1] whose property was under fifteeen hundred *asses*, and above three hundred and seventy-five; and one century of the *capite-censi*, whose property fell short of three hundred and seventy-five *asses*.

XI. All the centuries thus far mentioned were classed according to their property; but besides these there were three centuries which were classed according to their occupation, namely, the *fabri*[2] or carpenters, attached to the centuries of the first class; the *cornicines* or horn-blowers, and the *tubicines* or *liticines*, the trumpeters, who were reckoned with the fourth class.

XII. Thus there would be in all one hundred and ninety-five centuries, eighteen of cavalry, one hundred and forty of heavy infantry, thirty of light infantry, four of reserve and camp-followers, and three of smiths and musicians.[3]

XIII. In voting, it was intended to give the first class and the equites a preponderance over the rest of the centuries, and this was effected as we have just mentioned; for the first class, with the *equites* and *fabri*, amounted to ninety-nine centuries, and the last four classes, with the supernumeraries and musicians, to ninety-six centuries, who were thus outvoted by the others, even though they themselves were unanimous. Even if we suppose that the *fabri* were expected to vote rather with the lower classes than with the first class to which they were assigned, the first class, with the knights, would still have a majority of one century.

Jan. 6. 1851.

CHAPTER III.

REVOLUTIONS OF POLITICAL POWER.

REGAL GOVERNMENT.—STRUGGLES OF THE PATRICIANS AND PLEBEIANS.—OVERTHROW OF THE REPUBLIC.

I. The Roman government was ever in a progressive state of development, and therefore it must be distinguished according to its different periods.

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[1] The *Proletarii* were so called because they furnished nothing but offspring (*proles*) to the state. Compare *Cic., de Repub.*, ii., 22: "*Proletarios nominavit, ut ex iis quasi proles, id est, quasi progenies, civitatis expectari videretur.*"

[2] Livy and Dionysius make two centuries of *fabri*, but Cicero only one (*Cic., l. c.*). Niebuhr inclines to Cicero's opinion. (*Rom. Hist.*, i., p. 453.)

[3] On the discrepancy between the statements of Livy and Dionysius, relative to the number and arrangement of the centuries of the classes, consult the remarks

II. During the earliest period, when the ancient family-tribes alone constituted the people (*populus*), a king, indeed, stood at the head; but he only appears as the first of the *populus*, and could only act in conjunction with the popular council. The government, therefore, appears to have been essentially democratic, as at Sparta, where the citizens had a determining vote along with their kings. The king was chosen by the people in the *comitia curiata*, or assembly of the *curiæ*.[1]

III. The senate agreed among themselves on the person to be proposed by the *interrex* to the *curiæ*; and hence the interrex is said *rogare regem*, to put his acceptance to the vote. When the king had been accepted, the immediate sanction of the gods was sought for by his inauguration. It was necessary, however, to invest him with the *imperium* by a specific law, which he himself proposed, and the rejection of which must have compelled him to resign his dignity.

IV. The king united in himself the office of general, of high priest, and of supreme judge. He summoned the popular assemblies, and brought matters before them. He was also invested with the superintendence over morals. He sat every eighth day, according to the Tuscan fashion, administering justice, when every one might bring his case before him, and might appeal, if necessary, from his decision to the people. The badges of the kings were the *Trabea*, a white robe adorned with stripes of purple; or the *Toga Prætexta*, a white robe bordered with purple; a golden crown (*diadema*); an ivory sceptre (*scipio eburneus*); the *sella curulis*, or curule chair; and twelve lictors, with the *fasces* and *secures*, that is, carrying each a bundle of rods (*fasces*) with an axe (*securis*) in the middle, emblematic of the power of life and death.

V. The badges of the kings and Roman magistrates were borrowed from the Tuscans.[2] According to Pliny, Romulus used only the *Trabea*; and the *Toga Prætexta* was introduced by Tullus Hostilius.[3]

VI. In no case was the government of the kings at first either monarchical or monarchico-aristocratical, but a species of democratical government, as plainly appears from a comparison with the Athenian and Spartan democracy.[4] Hence the efforts of Tarquinius Superbus to render himself independent of the senate proved eventually unavailing, since Servius had previously procured civil rights

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of Niebuhr, *Rom. Hist.*, i., p. 434, *seqq.*, and *ad Cic., de Repub.*, p. 21, *ed Bonn.*, 1823; *Creuzer*, p. 136, *seqq.*

[1] Compare *Niebuhr, Rom. Hist.*, i., p. 343, *seqq.*

[2] *Liv.*, i., 8; *Flor.*, i., 5; *Sall., Cat.*, 51; *Dionys.*, iii., 61.

[3] *Plin., H. N.*, ix., 39, s. 63; viii., 48, s. 74.

[4] *Polyb.*, iv., 11, *seqq.*; *Carr, Rom. Ant.*, p. 90, *seqq.*

for the plebeians, which rendered the opposition to the encroachments of regal power still more obstinate.

VII. After the expulsion of the kings, the government became aristocratical; the patrician families were in sole possession, as before remarked, of all the magistracies, all the religious offices, in a word, of all civil and military honors.[1] The oppression which they exercised toward the plebeians increased in rigor until it produced a rebellion among the latter, the existing laws affording them no protection.

VIII. The plebeians at last obtained, by violence, a remission of debts (*novæ tabulæ*), and magistrates of their own, to protect their rights (*Tribuni plebis*), whose persons should be inviolable (*sacrosancti*), and who could nullify a decree of the senate by their veto, if the same should appear to be against the interests of the people. Along with them were created the Plebeian Ædiles (*Ædiles Plebeii*), to be, as it were, their assistants, and to determine certain minor causes which the tribunes committed to them. Subsequently, through the exertions of the tribune Publilius Volero, the plebeian comitia of tribes, by means of the *Lex Publilia*, obtained the right of electing their own magistrates, and deliberating on matters affecting the whole nation, and not such only as might concern the *plebs*.

IX. The Laws of the Twelve Tables again disturbed the balance of power between the plebeians and patricians, since they favored the latter more than the former. This occasioned new struggles, which proved no less successful than the preceding ones, and the people were now invested with the same civil rights, and were placed, with a few unimportant exceptions, upon a footing of full equality with the patricians. The government of Rome was now brought to its just equilibrium, and the republic was managed for a considerable period with quiet and moderation.[2]

X. The struggle, however, of these conflicting elements subsequently broke out afresh, and more fatally than before. The fickle and excitable *plebs*, having now attained to the possession of the power enjoyed by the earlier *populus*, became haughty and overbearing in their turn, and eventually open to the most shameful political corruption. The abuses which ensued furnished the senate with an opportunity of regaining a portion of their former dignity and power, which they did not fail to turn to advantage. Soon, however, popular leaders arose to resist these and other encroachments, and particularly the two Gracchi, who fell a sacrifice to their endeavors to secure to the people a share in the public domain. These dissensions prevented the development and consolidation of the popular

[1] *Liv.*, vi., 40, *seq.*; *Carr*, *l. c.*

[2] *Sall.*, *Jug.*, 41; *Montesquieu*, p. 81, *seq.*

power; and they brought upon the political stage such men as the violent Marius, who contemned all law, and his no less violent antagonist Sulla. Both these individuals contributed to destroy the energies of the state, though the latter appeared in the character of an aristocrat, and the former in that of a friend to the people; for both exhibited their contempt of laws and customs by violent alterations of the existing constitution.[1]

XI. Sulla, in particular, diminished the power of the people by limiting the authority of the tribunes and by elevating the senate, to whom he restored the power of acting as judices, which had been taken from them by Caius Gracchus, and transferred to the new order of *Equites*. This laid the foundation of fresh struggles between the people and the aristocracy. The first attempt to abolish these regulations was made during the life-time of Sulla, and repeated after his death by M. Aurelius Lepidus; then by the tribune Sicinius; but by both in vain. The consul L. Aurelius Cotta, in conjunction with the tribune Opimius, was more successful; and their example was followed by Pompey, who was supported by the tribune M. Lollius Palicanus and by Julius Cæsar. But they acted only from interested motives, and not for the general weal; and in the subsequent struggle between Pompey and Cæsar, the republic itself was overthrown.

CHAPTER IV.

THE GOVERNING POWER UNDER THE REPUBLIC.

SENATE.—POPULAR ASSEMBLIES GENERALLY.—INSTITUTION AND NUMBER OF THE SENATE.—ELIGIBILITY TO THE SENATE.—BADGES OF SENATOR.—DAYS AND PLACES OF HOLDING THE SENATE.—MODE OF SUMMONING IT.—MODE OF CONDUCTING BUSINESS.—MODE OF MAKING A DECREE.—POWER OF THE SENATE AT DIFFERENT PERIODS.

I. Having seen how the citizens were divided into orders and classes, and having given a brief sketch of the revolutions of political power at Rome down to the overthrow of the republic, we will now proceed to treat of the governing elements in the state, and next of the magistrates whose power emanated from these.

II. As long as the republic continued free, the functions of government were discharged by the senate and people conjointly; by the latter in their assemblies called *Comitia*, especially the *Comitia Tributa*. The other *Comitia* were the *Curiata* and *Centuriata*. In

[1] *Carr, Rom. Ant.*, p. 95, *seqq.*

considering the present subject, we will treat first in order of the *Senate*, and next of the *Comitia*.

I. SENATE.

1. INSTITUTION AND NUMBER.

I. In all the republics of antiquity, the government was divided between a senate and popular assembly; and in cases where a king stood at the head of affairs, as at Sparta and in early Rome, the king had little more than the executive authority. A senate, in the early times, was always regarded as an assembly of elders, which is, in fact, the meaning of the Roman *senatus* (from *senex*), as of the Spartan γερουσία (from γέρων), and its members were elected from among the nobles of the nation.

II. The number of senators in the ancient republics always bore a distinct relation to the number of tribes of which the nation was composed. Hence in the earliest times, when Rome consisted of only one tribe, its senate consisted of one hundred members (*senatores* or *patres*); and when the Sabine tribe, or the *Tities*, became united with the Latin tribe, or *Ramnes*, the number of senators was increased to two hundred.[1]

III. This number of two hundred was again augmented to three hundred by Tarquinius Priscus, when the third tribe, or *Luceres*, became incorporated into the Roman state. The new senators added by Tarquinius Priscus were distinguished from those belonging to the two older tribes by the appellation of *Patres minorum gentium*. This name had been previously given to those senators who represented the Tities, as distinguished from those who represented the Ramnes.[2]

IV. Under Tarquinius Superbus, the number of senators is said to have become very much diminished, as he is reported to have put very many to death, and to have sent others into exile. This account, however, appears to be greatly exaggerated, and it is probable that several vacancies in the senate arose from many of the senators accompanying the monarch into his exile.[3] The vacancies which had thus arisen were filled up immediately after the establishment of the republic, when several noble plebeians of equestrian rank were made senators. These new senators were called *Conscripti*,[4] i. e., persons "written or enrolled together" with the old senators, who alone were properly styled *Patres*. Hence the customary mode of addressing the whole senate after this was *Patres Conscripti*, that is, *Patres et Conscripti*.

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[1] *Dionys.*, ii., 47; *Plut.*, *Vit. Rom.*, c. 20. [2] *Dionys.*, ii., 57.
[3] *Niebuhr, Rom. Hist.*, i., p. 526. [4] *Liv.*, ii., 1; *Festus*, *s. v. Conscripti* and *adlecti*.

V. The number of three hundred senators appears to have remained unaltered for several centuries.[1] The first permanent increase to their number was made by Sulla,[2] and the senate seems henceforth to have consisted of between five and six hundred.[3] Julius Cæsar augmented the number to nine hundred, and raised to this dignity even common soldiers, freedmen, and *peregrini*.[4] Augustus, however, cleared the senate of the unworthy members, and reduced the number to six hundred.[5]

2. THE CHOOSING OF SENATORS.

I. In the time of the kings, the senate was probably elected by the *gentes*, or patrician houses, each *gens* appointing one member as its representative; and as there were three hundred gentes, there were consequently three hundred senators. The whole senate was divided into *decuriæ*, each of which corresponded to a *curia*. When the senate consisted of only one hundred members, there were accordingly only ten *decuriæ* of senators; and ten senators, one being taken from each decuria, formed the *Decem Primi*, who represented the ten *curiæ*. When subsequently the representatives of the two other tribes were admitted into the senate, the *Ramnes* with their *decem primi* retained for a time their superiority over the two other tribes, and gave their votes first.[6]

II. The first among the *Decem Primi* was the *Princeps Senatus*, who was appointed by the king,[7] and was at the same time *Custos Urbis*. At a later day, under the republic, the office of *Princeps Senatus* was separated from that of *Custos Urbis*, and the title was now in the gift of the censors, who at first always bestowed it on the eldest among the ex-censors, but afterward on any other senator whom they thought most worthy. This distinction, however, afforded in the time of the republic neither power nor advantage, and did not even confer the privilege of presiding at the meetings of the senate, which only belonged to those magistrates who had the right of convoking that body. The dignity of *Princeps Senatus* was called *Principatus*, and hence afterward the emperor was called *Princeps*, which word properly denotes only rank and not power.

III. Soon after the establishment of the republic, though at what time is uncertain, the right of appointing senators passed from the gentes into the hands of the consuls, consular tribunes, and subsequently of the censors. At the same time, the right which the mag-

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1 *Liv., Epit.*, 60.
2 *Appian, B.C.*, i., 100.
3 *Cic., ad Att.*, i., 14.
4 *Dion Cass.*, xliii., 47; *Suet., Cæs.*, 80.
5 *Dion Cass.*, liv., 14.
6 *Dionys.*, ii., 58; *Id.*, iii., 1; *Plut., Vit. Num.*, c. 3.
7 *Dionys.*, ii., 12; *Lyd., de Mens.*, i., 19.

istrates possessed of electing senators was by no means an arbitrary power, for the senators were usually taken from among those whom the people had previously invested with a magistracy, so that, in reality, the people always nominated the candidates for the senate, which, on this account, remained, as before, a representative assembly. After the institution of the censorship, the censors alone had the right of introducing new members into the senate from among the ex-magistrates, and of excluding such as they deemed unworthy. The exclusion was effected by simply passing over their names, and not entering them on the lists of senators, whence such persons were called *Præteriti Senatores*.[1]

IV. The first civil office which gave admission to the senate was the Quæstorship. All curule magistrates, however, and also the quæstors, had, by virtue of their office, a seat in the senate, even if they had not been elected senators; and we must therefore distinguish between two classes of senators, namely, real senators, or such as had been regularly raised to their dignity by the magistrates or the censors, and such as had, by virtue of the office which they held or had held, a right to take their seat in the senate and to speak (*sententiam dicere*), but not to vote.[2] To this *Ordo Senatorius* also belonged the *pontifex maximus*, and the *flamen dialis*. Though these senators had no right to vote, they might, when the real senators had voted, step over, or join one or the other party, whence they were called *Senatores Pedarii*, an appellation which had, in earlier times, been applied to those *juniores* who were not consulars.[3]

V. When at length all the state offices had become equally accessible to the plebeians and the patricians, and when the majority of offices were held by the former, their number in the senate naturally increased in proportion. The senate had gradually become an assembly representing the people, as formerly it had represented the *populus*, and, down to the last century of the republic, the senatorial dignity was only regarded as one conferred by the people.[4] But, notwithstanding this apparently popular character of the senate, it was never a popular or democratic assembly, for now its members belonged to the nobles, who were as aristocratic as the patricians.

VI. During the republican period, no senatorial census or rate of fortune existed, although senators always naturally belonged to the wealthiest classes. The institution of a census for senators belongs

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[1] *Liv.*, ii., 1; *Festus, s. v. Præteriti senatores.*

[2] *Gell.*, iii., 18; *Festus, s. v. Senatores.*

[3] *Gell., l. c.* Compare *Niebuhr, Rom. Hist.*, ii., p. 114; *Becker, Röm. Alterth.*, vol. ii., pt. ii., p. 431. [4] *Cic., pro Sext.*, 65; *Id., de Leg.*, iii., 12; *Id., c. Verr.*, iv., 11.

to the time of the empire. Augustus first fixed the senatorial fortune at four hundred thousand sesterces; afterward he increased it to double this sum, and at last even to one million two hundred thousand sesterces. Those senators whose property did not amount to this sum received grants from the emperor to make it up.[1]

VII. Respecting the age at which a person might be elected into the senate during the kingly period, we know no more than what is indicated by the name senator itself, that is, that they were persons of advanced age. So, again, we have no express statement in the ancient writers respecting the senatorial age under the republic, although an *ætas senatoria* is frequently mentioned. But we may discover the probable age by induction. We know that, according to the *Lex Annalis* of the tribune Villius, the age fixed for the quæstorship (the first civil office that gave admission to the senate) was thirty-one.[2] Now, as it might happen that a quæstor was made a senator immediately after the expiration of his magistracy, we may presume that the earliest age at which a man could become a senator was thirty-two. Augustus at last fixed the senatorial age at twenty-five, which appears to have remained unaltered through the time of the empire.

VIII. No senator was allowed to carry on any mercantile business. About the commencement of the second Punic war, some senators appear to have violated this law or custom; and, in order to prevent the recurrence of such conduct, a law was passed, with the vehement opposition of the senate, that none of its members should be permitted to possess a ship of more than three hundred *amphoræ* in tonnage, as this was thought sufficiently large to convey to Rome the produce of their estates abroad.[3] It is clear, however, that this law was frequently violated.[4]

IX. Every *lustrum*, that is, at the end of every fifth year, the senate was reviewed by one of the censors; and if any member of that body had rendered himself, by his conduct, unworthy of his high rank, his name was passed over by the censor in reading the roll of senators, and thus he was held to be excluded from the senate (*motus e senatu*). This, however, though disgraceful, did not render persons infamous, as when they were condemned at a trial; for the ignominy might be removed by the next censors, or the individuals thus censured might obtain offices which again procured them admittance into the senate.

X. It is worthy of remark, that the senators were allowed, at one

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[1] *Suet., Aug.*, 41; *Dion Cass.*, liv., 17, 26, 30; lv., 13.
[2] *Orelli, Onom. Tull.*, vol. iii., p. 133.
[3] *Liv.*, xxi., 63.
[4] *Cic., c. Verr.*, v., 18.

time, to take their sons with them to the meetings of the senate. This was afterward forbidden; but Augustus restored the custom, conceiving that its influence was beneficial in habituating the young men to turn their attention to, and in thus familiarizing them with, public affairs. This was after they had assumed the *toga virilis*, or manly gown. He allowed them also to wear the senatorial robe.[1]

3. BADGES AND PRIVILEGES OF SENATORS.

The distinctions and privileges enjoyed by senators were the following:

1. The *Tunica Laticlavia*, or Laticlave, a tunic with a broad purple stripe (*latus clavus*) in front, which was woven in it, and not, as is commonly believed, merely sewed upon it.[2] The tunic of the equites, it will be remembered, had a narrow stripe, and hence was called, in contradistinction, *tunica angusticlavia*.

2. A kind of short black boot, or buskin, of tanned leather (*calcei nigri, ex aluta*), with the letter C, in silver or ivory, on the top of the foot (*lunata planta*).[3] Hence *calceos mutare*,[4] "to become a senator." This letter C is generally supposed to mean *Centum*, and to refer to the original number of one hundred (*centum*) senators.

3. A particular place at the public spectacles, namely, the right of sitting in the *orchestra*, and, of course, nearest the stage, in the theatres, and occupying seats nearest the *arena* in the amphitheatres. This distinction was first procured for them by Scipio Africanus the elder, in his consulship, B.C. 194. Hence *Orchestra* is sometimes put for the senate itself. In the games of the circus, on the other hand, the senators sat promiscuously with the other citizens, until the Emperor Claudius assigned them peculiar seats there also.

4. On a certain day in the year a solemn sacrifice was offered to Jupiter in the Capitol, on which occasion the senate had the sole right of feasting publicly there, arrayed in their senatorial robes, and such as were proper to the offices which they had borne in the city.[5]

5. The privilege of a *legatio libera*, which entitled them, while in the provinces attending to their own private affairs, to be supported at the expense of the provincials. The enjoyment of this privilege was obtained, on application, from the senate, and it was called *legatio libera*, "a free legation," because it conferred all the privileges of a public *legatus* or ambassador, without having any of his duties

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[1] *Suet.*, *Aug.*, 38.

[2] *Acron*, *ad Horat.*, *Sat.*, i., 5, 35. Compare i., 6, 28; *Quinctil.*, xi., 3.

[3] *Mart.*, ii., 29. Compare *Juv.*, vii., 192.

[4] *Cic.*, *Phil.*, xiii., 13.

[5] *Gell.*, xii., 8; *Suet.*, *Vit. Aug.*, 35.

connected with it. There was no restraint as to the length of time during which this privilege might be enjoyed, and it therefore was much abused, and became a heavy burden upon the provincials. Cicero, in his consulship, endeavored to put an end to it, but he only succeeded in limiting the time of its duration to one year. Julius Cæsar, however, afterward extended the time to five years.[1]

The *Orchestra* (Ὀρχήστρα) in a Greek theatre was a circular level space extending in front of the spectators, and somewhat below the lowest row of benches. But it was not a complete circle, one segment of it being appropriated to the stage. It was the place where the chorus performed its evolutions and dances. In the Roman theatre, on the other hand, the orchestra formed only a semicircle, the diameter of which was the front line of the stage. As the Roman orchestra was not destined for a chorus, it could be very well appropriated to the seating of the senators.

When Augustus reduced the number of the senate, he reserved to those who were excluded the badge of their dress, together with the privilege of public seats, and of feasting in the Capitol.[2]

4. DAYS AND PLACES OF HOLDING THE SENATE.

I. A regular or ordinary meeting of the senate was called *senatus legitimus;* an extraordinary one, *senatus indictus* or *edictus*, because summoned by proclamation.

II. Regular meetings of the senate took place during the republic, and probably during the kingly period also, on the calends, nones, and ides of every month.[3]

III. Extraordinary meetings might be convoked on any other day, with the exception of those that were unlucky (*atri*, *nefasti*), or those on which *comitia* were held.[4]

IV. Toward the end of the republic it was decreed that, during the whole month of February, the senate should give audience to foreign ambassadors on all days on which that body could lawfully meet, and that no other matters should be discussed until these affairs were settled.[5]

V. Augustus enacted that an ordinary meeting of the senate should not be held oftener than twice a month, on the Kalends and Ides; and that in the sickly months of September and October, only a certain number, chosen by lot, should attend. He also chose a council for himself every six months (*consilium semestre*), to consider beforehand what things should be submitted to a full house. The ostensible object of Augustus, in thus making the meetings of the senate less frequent, was to lighten the burden of public duty

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[1] *Cic., de Leg.*, iii., 8; *de leg. Agrar.*, i., 3; *pro Flacc.*, 34; *ad Att.*, xv., 11; *Suet., Vit. Tib.*, 31. [2] *Suet., Vit. Aug.*, 35. [3] *Cic., ad Q. Fratr.*, ii., 13.
[4] *Cic., ad Q. Fratr.*, ii., 2. [5] *Cic., ad Q. Fratr.*, ii., 13; *ad Fam.*, i., 4.

for its members; but his real motive was to diminish their authority, by giving them fewer opportunities for exercising it.[1]

VI. The senate met always, of course, on the first, or Kalends of January, for the inauguration of the new consuls; and on this occasion there was usually a crowded house.

VII. The places in which the meetings of the senate were held (*curiæ*, *senacula*) were always consecrated by the augurs; for the senate could only be held in a sacred place, in order that thus their deliberations might be rendered more solemn. The most ancient place of meeting was the *Curia Hostilia*, in which alone originally a senatusconsultum, or decree of the senate, could be made. Subsequently, there were three places where the senate used to be held, two within the city and the temple of Bellona without it. At a still later period, many more places were employed for this purpose, as the temples of *Jupiter Stator*, *Apollo*, *Mars*, *Virtue*, *Faith*, *Concord*, &c.; also the *Curia Octavia*, *Pompeia*, &c.[2] Under Cæsar, the *Curia Julia*, a building of immense splendor, was commenced. But subsequently the senate was often held in the house of a consul.

VIII. When Hannibal led his army to Rome, the senate was held in the camp of Flaccus, the proconsul, between the *Porta Collina* and *Esquilina*. On two special occasions, the senate was always held without the city, in the temple of Bellona or Apollo, namely, for the reception of foreign ambassadors, especially of those who came from enemies, and whom they did not choose to admit into the city, and to give audience to their own generals, who were never allowed to come within the walls when in actual command.[3]

5. MODE OF SUMMONING THE SENATE.

I. The senators were summoned in early times by a public officer, named *Viator*, because he called the senators from the country;[4] or by a *public crier*, when any thing happened about which the senate was to be consulted hastily and without delay.[5] But in later times, extraordinary meetings were summoned by a proclamation or edict, appointing the time and place, and made public several days before.

II. If any senator refused or neglected to attend, he was punished by fine unless he had a just excuse,[6] and a portion of his property was held as a pledge until the fine was paid.[7] The fine was im-

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[1] *Suet.*, *Vit. Aug.*, 35. [2] *Festus*, *s. v. Senacula*; *Varro*, *L. L.*, v., 155, *seq.*
[3] *Liv.*, iii., 63; xxxi., 47; xxxiii., 22, 24, &c. *Senec.*, *Benef.*, v., 15.
[4] *Cic.*, *de Sen.*, 16. [5] *Liv.*, iii., 38.
[6] *Liv.*, iii., 38; *Cic.*, *Phil.*, i., 5; *Plin.*, *Ep.*, iv., 29.
[7] *Cic.*, *de Orat.*, iii., 1.

posed by him who held the senate. But after sixty or sixty-five years of age, senators might attend or not, as they pleased.[1]

III. The senate was assembled at first by the king,[2] or by his vicegerent, the *Custos urbis*. After the expulsion of Tarquin, however, it was accustomed to be convened by all the higher magistrates, usually by the consuls, and in their absence by the prætors;[3] also by the dictator, the master of the horse (*magister equitum*),[4] the decemviri, consular tribunes, interrex, prefect of the city,[5] and by the tribunes of the commons, who could summon the senate though the consuls were present in the city, and even against their will.[6] The emperors did not preside in the senate unless when invested with consular authority.[7]

6. MODE OF CONDUCTING BUSINESS IN THE SENATE.

I. The magistrate who was to hold the senate offered a sacrifice and took the auspices before he entered the senate-house.[8] If the auspices were not favorable or not rightly taken, the business was deferred to another day.[9]

II. Nothing could be done unless there was a quorum present. What that was is uncertain. Before the time of Sulla it seems to have been one hundred.[10] Under Augustus it was four hundred, which, however, that emperor altered.[11] If any one wanted to hinder a decree from being passed, he said to the magistrate presiding, *Numera senatum*, "Count the senate."[12]

III. The presiding magistrate opened the business with the words *Quod bonum, faustum, felix, fortunatumque sit populo Romano Quiritibus*, and then laid before the assembly what he had to propose. Toward the end of the republic, the order in which the question was put to the senators appears to have depended upon the discretion of the presiding magistrate, who called upon each member by pronouncing his name; but he usually began with the *princeps senatus*, or, if *consules designati*, "consuls elect," were present, with them.[13] The consul generally observed all the year round the same order in which he had commenced on the first of January.[14]

IV. As the consuls elect were first asked their opinion, so the prætors, tribunes, &c., elect, seem to have had the same preference

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1 *Senec., de Brev. Vitæ*, 20; *Id. Controv.*, i., 8; *Plin., Ep.*, iv., 23. 2 *Liv.*, i., 48.
3 *Cic., Ep. ad Fam.*, x., 12, 28. 4 *Liv.*, viii., 33. 5 *Liv.*, iii., 9; *Gell.*, xiv., 7.
6 *Cic., Ep. ad Fam.*, x., 28; *de Orat.*, iii., 1. 7 *Plin., Ep.*, ii., 11; *Paneg.*, 76.
8 *Plin., Paneg.*, 76; *Gell.*, xiv., 7. 9 *Cic., Ep. ad Fam.*, x., 12.
10 *Liv.*, xxxix., 18. 11 *Dion Cass.*, liv., 35; lv., 3.
12 *Cic., Ep. ad Fam.*, viii., 11; *Festus, s. v. Numera.*
13 *Sall., Cat.*, 50; *Cic., Phil.*, v., 13; *Ep. ad Fam.*, viii., 4.
14 *Suet., Vit. Jul.*, 21.

before the rest of their order.[1] Augustus observed no certain rule in asking the opinions of the senators, that thereby they might be rendered the more attentive.[2]

V. Nothing could be laid before the senate against the will of the consuls, unless by the tribunes of the commons, who might also give their negative against any decree by the solemn word *Veto*, which was called interceding (*intercedere*). This might also be done by all who had an equal authority with the magistrate presiding, or a greater authority than he possessed.[3] If any person thus interceded, the decision of the senate was called *senatus auctoritas*, their judgment or opinion, and not *senatus consultum* or *decretum*, their decree or command.[4] So likewise it was named if the senate was held at an improper time or place, or if all the formalities had not been observed,[5] in which case the matter was referred to the people, or was afterward confirmed by a formal decree of the senate.[6]

VI. The senators delivered their opinion standing.[7] But when they only assented to the opinion of another (*verbo assentiebantur*), they continued sitting.[8] A senator, when called upon to speak, might do so at full length, and even introduce subjects not directly connected with the point at issue. Some did this in order that they might waste the day in speaking; for in strictness, no new reference could be made after the tenth hour, *i. e.*, four o'clock in the afternoon, nor a decree passed after sunset, except in extraordinary emergencies.[9] Hence Cicero, in blaming the decrees of Antony, calls them *Senatus-consulta Vespertina*.[10]

The principal senators might give their opinion about any thing which they thought of advantage to the state, and might require that the consul would lay it before the senate. They were then said *censere referendum de aliqua re*,[11] or *relationem postulare*.[12] For no private senator, not even a consul elect, was allowed to propose to the senate any question himself.[13] Sometimes the whole house called out for a particular motion.[14] And if the consul hesitated or refused, which he did by saying *se considerare velle*, the other magistrates who had the right of holding the senate might do it, even against his will, particularly the tribunes of the commons.[15] Hence Augustus was by a decree of the senate invested with the power of tribune for life, that he might lay any thing he pleased before the sen-

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1 *Cic., ad Att.*, xii., 21; *in Verr.*, v., 14. 2 *Suet., Vit. Aug.*, 35.
3 *Cic., de Leg.*, iii., 3; *Gell.*, xiv., 7.
4 *Liv.*, iv., 57; *Cic., Ep. ad Fam.*, i., 2; viii., 8. 5 *Dion Cass.*, lv., 3.
6 *Cic., Ep. ad Fam.*, x., 12. 7 *Liv.*, ix., 8; *Cic., ad Att.*, i., 13.
8 *Cic., Ep. ad Fam.*, v., 2; *Plin., Paneg.*, 76.
9 *Dionys.*, iii., 17; *Varro, ap. Gell.*, iv., 10; *Macrob., Sat.*, i., 4.
10 *Cic., Phil.*, iii., 10. 11 *Sall., Cat.*, 60; *Plin., Ep.*, vi., 5.
12 *Tacit., Ann.*, xiii., 49. 13 *Cic., pro Dom.*, 27. 14 *Sall., Cat.*, 48.
15 *Cic., pro Leg. Manil.*, 19; *pro Sext.*, 30; *Ep. ad Fam.*, x., 16.

ate every meeting, although he was not consul.[1] And the succeeding emperors obtained from the senate the right of laying before them one, two, or more things at the same meeting, which was called *jus primæ, secundæ, tertiæ*, &c., *relationis*. In those times, the senator who gave his opinion first was called *primæ sententiæ senator*.

VII. When any one, in delivering his opinion, had included several distinct articles, some of which might be approved and others rejected, it was usual to require that the opinion might be divided, and that each particular might be proposed apart, and therefore any senator might say *Divide*.[2]

7. MODE OF MAKING A DECREE OF THE SENATE.

I. It depended upon the consul, or magistrate presiding, which of the opinions advanced in the course of a debate he would put to the vote, and in what order, and which he would pass over entirely.[3]

II. The majority of votes always decided a question. The majority was ascertained either by *numeratio* or *discessio;* that is, the presiding officer either counted the votes, or the members who voted on the same side separated from those who voted otherwise. The latter mode seems to have been the usual one; and in this case the person who presided said, "Ye who are of this opinion, pass over to that side; ye who think differently, to this." *Qui hoc censetis, illuc transite; qui alia omnia, in hanc partem.* The phrase *qui alia omnia* was used instead of *qui non censetis*, sc. *hoc*, from a motive of superstition.

III. He who had proposed the matter under debate, or had been the principal speaker in favor of it, passed over first,[4] and those who agreed with him followed. When the majority was ascertained, the presiding officer said *hæc pars major esse videtur*, "this seems to be the majority." Then a decree was made in accordance with the opinion of the senate thus expressed.

IV. A decree of the senate was called *Senatus-consultum*, because the consul or presiding magistrate who introduced the business was said *senatum consulere*. In the enacting part of a *lex*, the *populus* were said *jubere*, and in a *plebiscitum*, *sciscere* or *scire;* in a *senatus-consultum*, the senate was said *censere*.

V. In writing a decree of the senate, the time and place were put first, together with the names of those who were present at the engrossing of it; after that, the motion, with the name of the magis-

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[1] *Dion Cass.*, liii., 32.

[2] *Cic., Ep. ad Fam.*, i., 2; *Senec., Ep.*, 21; *Ascon. in Cic., pro Mil.*, 6.

[3] *Cic., Ep. ad Fam.*, i., 2; x., 12; *Cæs., B. C.*, i., 2; *Polyb.*, xxxiii., 1.

[4] *Cic., in Pis.*, 32; *Plin., Epist.*, ii., 11.

trate who proposed it; to all which was subjoined what the senate decreed. Thus, *S. C. Auctoritates Pridie Kal. Octob. in Æde Apollinis scribendo adfuerunt L. Domitius, &c., Quod M. Marcellus Consul V. F.* (verba fecit) *de Provinciis Consularibus, D. E. R. I. C.* (*de ea re ita censuerunt*), *uti, &c.*).[1]

VI. The names of the persons who were witnesses to the drawing up of the senatus-consultum were called *Auctoritates*, and these *auctoritates* were cited as evidence of the fact of the persons named in them having been present at the drawing up of the decree.[2] There can be no doubt that certain persons were always required to be present on such occasions, but others might assist if they chose, and a person might in this way testify his regard for another on behalf of whom, or with reference to whom, the decree was made.[3]

VII. The decrees of the senate, when written out, were laid up along with the other public records, in places called *Tabularia*. There were various *tabularia* at Rome, all of which were in temples. We find mention made of them in the temples of the *Nymphs*, of *Lucina*, of *Juventus*, of *Libitina*, of *Ceres*, and more especially in that of *Saturn*, which was also the public treasury. The decrees were originally intrusted to the care of the tribunes and ædiles, but in the time of Augustus the quæstors had the care of them.

VIII. The decrees of the senate, when not carried to a *tabularium*, were reckoned invalid.[4] Hence it was ordained under Tiberius that the decrees of the senate, especially concerning the capital punishment of any one, should not be carried to the *tabularium* before the tenth day, in order that the emperor, if absent from the city, might have an opportunity of reviewing them.[5]

Julius Cæsar, when consul, appointed that what was done in the senate (*Senatus Acta*) should be published,[6] which also seems to have been done before this.[7] The custom, however, was prohibited by Augustus,[8] though an account of the proceedings of the senate was still preserved, but not published, and some senator seems to have been chosen by the emperor to compile the account.[9]

These *Senatus Acta*, however, must not be confounded with the *Acta Diurna*, or "Proceedings of the Day." These were a kind of gazette or newspaper, published daily at Rome, under the authority of the government. They contained an account of the proceedings of the public assemblies, of the law courts, of the punishment of offenders, and a list of births, marriages, deaths, &c. The proceedings of the public assemblies and of the law courts were obtained by means of reporters (*actuarii*).[10]

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1 *Cic., Ep. ad Fam.*, viii., 8.
2 *Cic., de Or.*, iii., 2.
3 *Cic., ad Att.*, vii., 1.
4 *Suet., Vit. Aug.*, 94.
5 *Tacit., Ann.*, iii., 51; *Dion Cass.*, lvii., 20; *Suet., Vit. Tib.*, 75.
6 *Suet., Vit. Jul.*, 20.
7 *Cic., pro Sull.*, 14.
8 *Suet., Vit. Aug.*, 36.
9 *Tacit., Ann.*, v., 4.
10 *Ib.*, xiii., 31, &c.

8. POWER OF THE SENATE AT DIFFERENT PERIODS.

I. Under the kings, the subjects laid before the senate belonged partly to the internal affairs of the state, partly to legislation, and partly to finance; and no measure could be brought before the populus without having previously been discussed and prepared by the senate. The senate was thus the medium through which all affairs of the whole government had to pass. It considered and discussed whatever measures the king thought proper to introduce, and had, on the other hand, a perfect control over the assembly of the populus, which could only accept or reject what the senate brought before it. When a king died, the royal dignity, until a successor was elected, was transferred to the *Decem Primi*, each of whom, in rotation, held this dignity for five days.[1]

II. Under the republic, the senate had at first the right of proposing to the comitia the candidates for magistracies. But this right was subsequently lost; the *comitia centuriata* became quite free in regard to elections, and were no longer dependent upon the proposal of the senate. The *curiæ* only still possessed the right of sanctioning the election. But in the year B.C. 299, they were compelled to sanction any election of the magistrates which the comitia might make before it took place,[2] and this soon after became the law by the *Lex Mænia*.[3] When at last the curiæ no longer assembled for this empty show of power, the senate stepped into their place, and henceforth in elections, and soon after in matters of legislation, the senate had previously to sanction whatever the comitia might decide.[4]

III. After the *Lex Hortensia*, a decree of the *Comitia Tributa* became a law, even without the sanction of the senate. The original state of things had thus gradually become reversed, and the senate had lost very important branches of its power, which had all been gained by the *comitia tributa*. In relation to the *comitia centuriata*, however, the ancient rules were still in force, as laws, declarations of war, conclusions of peace, treaties, &c., were brought before them, and decided by them on the proposal of the senate.[5]

IV. The powers of the senate, after both orders were placed upon a perfect equality, may be briefly summed up as follows:

1. The senate continued to have the supreme superintendence in all matters of religion,[6] so that no new god could be introduced,

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[1] *Dionys.*, ii., 58; iii., 1; *Plut.*, *Num.*, 3; *Lyd.*, *de Mens.*, i., 19.
[2] *Cic.*, *Brut.*, 14; *Aurel. Vict.*, *de Vir. Illustr.*, 33.
[3] *Orelli*, *Onom. Tull.*, vol. iii., p. 215.
[4] *Liv.*, i., 17.
[5] *Walter*, *Gesch. d. Röm. Rechts*, p. 132.
[6] *Gell.*, xiv., 7.

nor altar erected, nor the sibylline books consulted, without their order.[1]

2. It determined upon the manner in which a war was to be conducted, what legions were to be placed at the disposal of a commander, and whether new ones were to be levied.[2]

3. It decreed into what provinces the consuls and prætors were to be sent, and whose *imperium* or command was to be prolonged.[3]

4. It appointed the commissioners who were generally sent out to settle the administration of a newly-conquered country.[4]

5. It sent out all embassies for the conclusion of peace, or for treaties with foreign powers, and such ambassadors were generally senators themselves, and ten in number.[5] The senate also alone carried on the negotiations with foreign ambassadors,[6] and received the complaints of subject or allied nations, who always regarded the senate as their common protector.[7]

6. By virtue of this office of protector, it also settled all disputes which might arise among the municipia and colonies of Italy, and punished all heavy crimes committed in Italy, which might endanger the public peace and security.[8]

7. When the republic was in danger, the senate might confer unlimited power upon the magistrates by the formula *Videant consules ne quid respublica detrimenti capiat*, which was equivalent to a declaration of martial law within the city.[9]

8. This general care for the internal and external welfare of the republic included, as before, the right of disposing of the finances requisite for these purposes. Hence all the revenue and expenditure of the republic were under the direct administration of the senate, and the censors and quæstors were merely its ministers or agents. So, again, all the expenses necessary for the maintenance of the armies required the sanction of the senate before any thing could be done.

9. The senate decreed all public thanksgivings for victories obtained, and conferred the honor of an ovation or triumph, with the title of *imperator*, on their victorious generals. On the other hand, they might prevent the triumph of a returning general by refusing to vote the money necessary for it.[10] There are, however, in-

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[1] *Liv.*, ix., 45; *Cic., de Div.*, 48, 54. [2] *Polyb.*, vi., 11. [3] *Cic., pro Dom.*, 9.
[4] *Liv.*, xlv., 17; *Appian., de Reb. Hisp.*, 99; *de Reb. Pun.*, 135; *Sall., Jug.*, 16.
[5] *Polyb.*, vi., 13; *Liv., passim.* [6] *Polyb., l. c.*; *Cic., c. Vatin.*, 15.
[7] *Liv.*, xxix., 16; xxxix., 3; xlii., 14; *Polyb., l. c.*
[8] *Dionys.*, ii., 1; *Liv.*, ix., 20; *Varro, de Re Rust.*, iii., 2; *Cic., ad Att.*, iv., 15; *Polyb., l. c.* [9] *Sallust., Cat.*, 29; *Cæs., B. C.*, i., 5, 7.
[10] *Liv.*, v., 23; *Polyb.*, vi., 11; *Cic., Phil.*, xiv., 4, 5.

stances of a general's triumphing without the consent of the senate.[1]

10. They could decree the title of *king* to any prince whom they pleased, and could also confer the equally honorable title of "Friend of the Roman People."

Senatusconsulta were, properly speaking, laws, for it is clear that the senate had legislative power even during the republican period; but it is difficult to determine how far their legislative power extended. A *decretum* of the senate was a rule made by the senate as to some matter which was strictly within its competence, and thus differed from a *senatusconsultum*, which was a law. But these words are often used indiscriminately, and with little precision.

During the latter part of the republic, the senate was degraded in various ways by Sulla, Cæsar, and others, and on many occasions it was only an instrument in the hands of the men in power. In this way it became prepared for the despotic government of the emperors, when it was altogether the creature and obedient instrument of the *princeps*. The emperor himself was generally also *princeps senatus*,[2] and had the power of convoking both ordinary and extraordinary meetings,[3] although the consuls, prætors, and tribunes continued to have the same right.[4] In the reign of Tiberius, the election of magistrates was transferred from the people to the senate,[5] which body, however, was enjoined to take especial notice of those candidates who were recommended to it by the emperor. At the demise of an emperor, the senate had the right of appointing his successor, in case no one had been nominated by the emperor himself; but the senate very rarely had an opportunity of exercising this right, as it was usurped by the soldiers. The *ærarium* at first still continued nominally to be under the control of the senate, but the emperors gradually took it under their own exclusive management,[6] and the senate retained nothing but the administration of the funds of the city (*arca publica*), which were distinct from both the *ærarium* and the *fiscus*.[7]

Under the empire, *senatusconsulta* began to take the place of *leges*, properly so called, and the senate was, with the exception of the emperor, the only legislating body. Such *senatusconsulta* are frequently designated by the name of the consuls in whose year of office they were passed.

II. COMITIA, OR ASSEMBLIES OF THE PEOPLE.

I. By *Comitia* are meant the public assemblies of the Roman people, at which all the most important business of the state was transacted, such as the election of magistrates, the passing of laws, the declaration of war, the making of peace, and, in some cases, the trial of persons charged with public crimes.

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[1] *Liv.*, x., 37; *Val. Max.*, v., 4, 6; *Suet.*, *Vit. Tib.*, 2; *Oros.*, v., 4.
[2] *Dion Cass.*, liii., 1; lvii., 8; lxxiii., 5.
[3] *Ib.*, liv., 3.
[4] *Tacit.*, *Hist.*, iv., 39; *Dion Cass.*, lvi., 47, &c.
[5] *Vell. Paterc.*, ii., 124; *Tacit.*, *Annal.*, i., 15; *Plin.*, *Epist.*, iii., 20.
[6] *Dion Cass.*, lxxi., 33; *Vopisc.*, *Aurel.*, 9, 12, 20.
[7] *Vopisc.*, *Aurel.*, 20, 45.

II. The term *comitia* is derived from *com-eo*, for *coëo*, and refers to the gathering together of the people at these assemblies.

III. There were three kinds of *comitia*, according to the three different divisions of the Roman people, namely, *Comitia Curiata*, *Centuriata*, and *Tributa*.

IV. The *Comitia Curiata* was the assembly of the *Curiæ*, and is said to have been instituted by Romulus. The *Comitia Centuriata* was the assembly of the centuries, in which the people gave their votes according to the classification instituted by Servius Tullius. The *Comitia Tributa* was the assembly of the people according to their division into tribes.

V. The *Comitia Curiata* and *Centuriata* required the authority of the senate, and could not be held without taking the auspices: the *Comitia Tributa*, on the other hand, did not require these sanctions. We will now consider each of these *comitia* in succession.

I. COMITIA CURIATA.

I. The *Comitia Curiata* was the primitive assembly of the Romans, and originated at a time when there was no second order in the state. It was a meeting of the *populus*, or original burgesses, assembled in their tribes of houses, and no member of the plebs could vote at such a meeting.

II. The ancient *populus Romanus* consisted, as we have already remarked, of two tribes, namely, the *Ramnes* or *Ramnenses*, and the *Titienses* or *Tities*; to which was subsequently added a third tribe, called the *Luceres* or *Lucerenses*. The *Ramnes* are supposed to have been the Romans proper; the *Tities*, Sabines; and the *Luceres*, Latins, or of a Tyrrhenian stock.

III. These three original tribes of the *populus* or *patres* were divided into thirty *curiæ*, and each of these *curiæ* into ten *gentes* or houses; and this number of the *gentes* also corresponded to the number of counsellors who represented them in the senate, which consisted of three hundred members.

IV. The *Comitia Curiata* was thus the assembly of the original patricians, in which they voted by *curiæ*.[1]

V. The *Comitia Curiata* was chiefly held for confirming some ordinance of the senate. No matter could be brought before this assembly except by the authority of the senate; and with regard to elections and laws, it had merely the power of confirming or rejecting what the senate had already decreed. So, even in the election of a king, the assembly was limited to the persons proposed by the senate.

[1] *Gell.*, xv., 27; *Liv.*, i., 43; *Dionys.*, ii., 14; iv., 20, &c.

VI. After the establishment, however, of the *Comitia Centuriata*, the two principal reasons for summoning the *Comitia Curiata* were either the passing of a *Lex Curiata de imperio*, or the election and inauguration of certain priests, such as the *Flamines*, *Rex Sacrorum*, &c.

VII. The *Lex Curiata de imperio* was necessary, in order to confer upon the king during the regal period, and subsequently upon the dictator, consuls, and other magistrates, *imperium* or military command; since without this they had only a *potestas*, or civil authority, and were not allowed to meddle with military affairs. This, however, became subsequently a mere matter of form.[1]

VIII. The *Comitia Curiata* was also held for the purpose of carrying into effect the form of adoption called *adrogatio*, for the confirmation of wills, and for the ceremony called *detestatio sacrorum*, when notice was given to an heir or legatee that he must adopt the sacred rites which followed the inheritance.

IX. The *Comitia Curiata* were held in that part of the forum which was called *Comitium*, and where the *suggestum* or tribunal stood. The patrician magistrates properly held these comitia; or, if the question to be proposed had relation to sacred rites, the pontifices presided.

X. As the popular element in the Roman state increased in power and importance, and the plebeians came to be placed on a footing of political equality with the patricians, the meetings of the *comitia curiata* were little more, as just remarked, than a mere matter of form; and their suffrages were now represented by the thirty lictors of the *curiæ*, whose duty it had been to summon the *curiæ* when the meetings actually took place, just as the classes in the *comitia centuriata* were summoned by a trumpeter (*cornicen* or *classicus*). Hence, when the *comitia curiata* were held for the election or inauguration of a flamen, for the making of a will, &c., they were called specially the *comitia calata*, or "the summoned assembly."

II. COMITIA CENTURIATA.

I. The *Comitia Centuriata*, called also sometimes *Comitia Majora*, were a result of the constitution generally attributed to Servius Tullius, the sixth king of Rome, and of the division of the people into classes and centuries, which has already been described (p. 32). The people, namely, voted here, divided into the centuries of their classes, and what a majority of centuries decreed was considered as finally determined.

II. The *Comitia Centuriata* were held in the *Campus Martius*,

[1] *Cic., ad Att.*, iv., 18; *Ep. ad Fam.*, xiii., 1.

without the city, where they met as the *exercitus urbanus*, or army of the city; and, in reference to their military organization, they were summoned by the sound of the horn or trumpet, and not by the voice of the lictor, as was the case with the *comitia curiata*.

1. CAUSES OF ASSEMBLING THE COMITIA CENTURIATA.

I. The *Comitia Centuriata* were held for creating magistrates, for passing laws, and for deciding capital cases, where the offence had reference to the whole nation, and not merely to the rights of a particular order.

II. In these *Comitia* were created the consul,[1] prætors,[2] and censors;[3] also the decemviri,[4] military tribunes with consular power,[5] and, on extraordinary occasions, a proconsul also.[6] Almost all laws were passed in them which were proposed by the higher magistrates; and here also were tried all cases of *perduellio* and *majestas*,[7] and all others involving the life of a Roman citizen.[8]

III. Questions of *war* could also be decided at these *comitia*,[9] grounded, however, upon a previous decree of the senate. Questions of peace, on the other hand, were decided by a mere senatusconsultum, without any co-operation on the part of the people, down to the time of the battle of Caudium.[10] After this period, questions of peace and treaties also came before the *comitia centuriata*.

2. WHAT MAGISTRATES COULD HOLD THESE COMITIA; THE TIME OF HOLDING THEM; THE NOTICE TO BE GIVEN.

I. The *Comitia Centuriata* were summoned and presided over at first by the kings; afterward, in the time of the republic, by those magistrates who represented some of the royal functions, that is, by the dictator, consuls, prætors, and, in the creating of magistrates, by the interrex also. The prætors, however, could only hold the comitia in the absence of the consuls,[11] or, if these were present, only with their permission.[12] The consuls held the comitia for the appointment of their successors, of the prætors,[13] and of the censors.[14]

II. These *comitia* could only be held on *dies comitiales* or *fasti*, when it was lawful to transact business with the people; and the number of these comitial days in every year was about one hundred

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[1] *Liv.*, i., 60; x., 11. [2] *Ib.*, vii., 1; x., 22. [3] *Ib.*, vii., 22; xl., 45.
[4] *Liv.*, iii., 33, 35. [5] *Ib.*, v., 52. [6] *Ib.*, xxxiii., 30; xxxiv., 18. [7] *Ib.*, vi., 20.
[8] *Cic.*, *in Verr.*, i., 5; *pro Sext.*, 30, 34; *de Republ.*, ii., 36; *de Leg.*, iii., 4; *Polyb.*, vi., 4, 14. [9] *Liv.*, xxxi., 6, 7; xliii., 30.
[10] *Rubino*, *Ueber Röm. Staatsverf.*, p. 259, *seqq.* [11] *Cic.*, *Ep. ad Fam.*, x., 12.
[12] *Liv.*, xxvii., 5. [13] *Cic.*, *ad Att.*, ix., 9.
[14] *Liv.*, vii., 22; *Cic.*, *ad Att.*, iv., 2.

and ninety.[1] But on *dies nefasti*, or holy-days (the same as *dies festi* or *feriæ*), and at first also on *nundĭnæ*, or market-days, no comitia could be held. In B.C. 287, however, the Hortensian law ordained that the *nundinæ* should be regarded as *dies fasti*;[2] so that henceforth the comitia might be held on the *nundinæ* also; but this was rarely done.[3]

III. The *Comitia Centuriata* were usually assembled by an edict, and it was necessary that seventeen days' notice should be given before they were held. This interval was called a *trinundĭnum*, or "the space of three market-days" (*tres nundinæ*, "three ninth-days"), because the country-people came to Rome to buy and sell every *ninth*, or, rather, every eighth day, according to our mode of reckoning, and spent the interval of seven days in the country.[4]

IV. All those might be present at the *Comitia Centuriata* who had the full right of Roman citizens, whether they lived at Rome or in the country.

3. CANDIDATES.

I. Those who sought preferment were called *Candidati*, from a white robe (*toga candida*) worn by them, which was rendered shining (*candens*, *candida*) by the art of the fuller; for the common color itself of the toga was white. At one time, indeed, B.C. 432, a law was passed forbidding persons "to add white to their dress," with a view to an election.[5] The practice, however, though checked at first, still continued, and eventually became a common custom.[6]

II. For a long time, moreover, before the day of election, the candidates endeavored to gain the favor of the people by every popular art,[7] by going round to their houses (*ambiendo*, whence *ambitus*, "canvassing"), by shaking hands with those whom they met (*prensando*), by addressing them in a kindly manner, and by name, on which latter account they commonly had along with them a monitor or *nomenclator*, who whispered in their ear each person's name, and thus enabled them to pay an indirect compliment, which could not fail to be generally gratifying to the electors.[8]

III. On market-days they were accustomed to appear in public, and take their station on some rising ground, whence they might be seen by all.[9] When they appeared in the *fora*, or Campus Martius, they were attended by numbers of their friends (*deductores*),[10] or fol-

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1 *Varro, L. L.*, vi., 29; *Macrob., Sat.*, i., 16.
2 *Macrob., l. c.*
3 *Cic., ad Att.*, i., 14.
4 *Liv.*, iii., 35; *Dionys.*, ii., 28; *Varro, R. R., Præf.*, 11.
5 *Liv.*, iv., 25.
6 *Persius, Sat.*, v., 177; *Polyb.*, x., 4.
7 *Cic., ad Att.*, i., 1.
8 *Horat., Ep.*, i., 6, 50, &c.
9 *Macrob., Sat.*, i., 16.
10 *Cic., de pet. Cons.*, 9.

lowed by the poorer citizens (*sectatores*), who could in no other way show their good will or give their assistance. They had likewise persons to divide money among the people (*divisores*);[1] for this, though forbidden by law, was often done openly, and once against Cæsar, even with the approbation of Cato.[2] There were also persons to bargain with the people for their votes, called *Interpretes*, and others in whose hands the money promised was deposited, called *Sequestres*.[3]

IV. Legal enactments were made from time to time, but with little good effect, to check these and similar practices. Thus, for instance, the Lex Pœtelia (B.C. 358) forbade candidates canvassing on market days, and going about to the places in the country where people were collected;[4] the Lex *Cornelia Bæbia* made those who were convicted of any illegal practices with reference to elections to be incapacitated from being candidates for ten years;[5] the *Lex Acilia Calpurnia* punished the treating of electors with shows, feasts, &c., and other like matters, with fine, exclusion from the senate, and perpetual incapacity to hold office;[6] the *Lex Tullia*, passed in the consulship of Cicero (B.C. 63), added to the penalties of the *Lex Acilia Calpurnia* by ten years' exile, &c.[7]

4. MANNER OF PROPOSING A LAW, AND OF NAMING A DAY FOR ONE'S TRIAL.

I. When a law was to be proposed at the *Comitia Centuriata*, the magistrate, or individual who was to propose it, having consulted with his friends whether it was for the advantage of the state, and agreeable to the custom of their ancestors, wrote it over at home, and then having communicated it to the senate, he, by their authority, promulgated it, that is, he posted it up in public for three market-days, that the people might have an opportunity of reading and considering it. In the mean time, he himself, and some eloquent friend, every market-day, read it aloud, and recommended it to the people.[8]

II. A law was proposed to the *comitia* in its entire form for acceptance or rejection: there was no discussion on the clauses, and no alteration of them in the *comitia*, and, indeed, discussion of details and alteration were impossible.

III. When a person was to be tried at the *Comitia Centuriata*, it behooved the accusation to be published, in like manner, for three

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[1] *Cic., ad Att.*, i., 17; *Suet., Aug.*, 3. [2] *Suet., Vit. Jul.*, 19.
[3] *Cic., in Verr.*, i., 8, 12. [4] *Liv.*, vii., 15. [5] *Ib.*, xl., 19.
[6] *Dion Cass.*, xxxvi., 21. [7] *Dion Cass.*, xxxvii., 29; *Cic., pro Muræn.*, c. 23.
[8] *Cic., in Verr.*, v., 69; *Liv.*, ii., 56.

market-days,[1] and the day fixed when the trial was to take place. In the mean time, the person accused (*reus*) changed his dress, laid aside every kind of ornament, let his hair and beard grow, and in this mean state (*sordidatus*) went round and solicited the favor of the people. His nearest relations and friends did the same. This mode of proceeding was generally resorted to in cases involving a severe punishment, such as loss of civil rights, exile,[2] &c.

5. MANNER OF TAKING THE AUSPICES.

I. The first step in holding the *comitia* was to take the auspices. For this purpose, on the day of the *Comitia*, the presiding officer, attended by one of the augurs, pitched a tent (*tabernaculum cepit*) without the city for the purpose of observing the auspices. Hence the Campus Martius is said to be *consularibus auspiciis consecratus*,[3] and the *comitia* themselves were called *auspicata*.[4]

II. If the tent was not pitched in due form, all the proceedings of the *comitia* were utterly vitiated,[5] and a magistrate elected at them was compelled to abdicate his office, even though the discovery of the informality or defect was made several months after the *comitia* had been held.[6]

III. There were two kinds of auspices pertaining to the *Comitia Centuriata*. The one was, observing the appearances of the heavens, such as lightning, thunder, &c., which was chiefly attended to. The other was the inspection of birds. Those birds which gave omens by their flight were called *Alites* or *Præpetes*; and those which gave omens by singing, *Oscines*.[7] When the omens were favorable, the birds were said *addicere* or *admittere*; when unfavorable, *abdicere*, *non addicere*, or *refragari*.

IV. When the augur declared that the auspices were unexceptionable, that is, that there was nothing to hinder the *comitia* from being held, he said *silentium esse videtur*;[8] but if not, he said *alio die*,[9] on which account the comitia could not be held that day.

V. Any other magistrate of equal or greater authority than he who presided might likewise take the auspices, especially if he wished to hinder an election, or prevent a law from being passed. If such magistrate, therefore, declared *se de cœlo servasse*, that he had heard thunder or seen lightning, he was said *obnuntiare*,[10] which he did by saying *alio die*, whereupon, by the *Lex Ælia* and *Lex Fufia*, the comitia were broken off, and adjourned to another day. This hap-

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1 *Cic., pro Sext.*, 20. 2 *Liv.*, vi., 20; xliii., 16; *Cic., pro Dom.*, 32.
3 *Cic., in Cat.*, iv., 1. 4 *Liv.*, xxvi., 2. 5 *Liv.*, iv., 7.
6 *Liv., l. c.*; *Cic., N. D.*, ii., 4. 7 *Festus, s. v. Oscines.*
8 *Cic., de Div.*, ii., 34. 9 *Cic., de Leg.*, ii., 12. 10 *Cic., Phil.*, ii., 33.

pened even if the individual had made a false statement, because he was thought to have bound the people by a religious obligation, which must be expiated by their calamity or his own.[1]

VI. The *comitia* were also stopped if any person, while they were holding, was seized with epilepsy, which from this circumstance was called *morbus comitialis*;[2] or if a tempest arose, or if a tribune interposed his *veto*, or if the standard set up in the Janiculum was taken down, which last was done by Metellus the prætor on the trial of Rabirius;[3] or if the sun set before the business was over, since it was a principle that the auspices were valid only for one day, from sunrise to sunset;[4] or if a tumult or insurrection broke out in the city, as happened now and then during the latter period of the republic.[5] When, however, the *comitia* were stopped by a tempest, the election of those magistrates who were already created was not rendered invalid, except in the case of the censors, for if both of these could not be elected on the same day, it was necessary to begin the election afresh, and if one had been elected, his election was not valid.[6]

It was customary from the earliest times for an armed force to occupy the Janiculum when the people were assembled in the Campus Martius at the *Comitia Centuriata*. This was done for the purpose of protecting the city against any sudden attack of the neighboring communities; and on the Janiculum a vexillum or standard was erected during the whole time that the assembly lasted. This custom continued to be observed even at the time when Rome had no longer any thing to fear from the neighboring tribes.[7]

6. MANNER OF HOLDING THE COMITIA CENTURIATA.

I. When there was no obstruction to the *comitia*, the people met, on the day appointed, in the Campus Martius. The magistrate who presided, sitting in his curule chair, on a tribunal, used to utter a set form of prayer before he addressed the people, the augur repeating over the words before him. Then he made a speech to the people about what was to be done at the *comitia*.[8]

II. If magistrates were to be chosen, the names of the candidates were read out by the presiding officer, who might exercise his influence by recommending the one whom he thought most fit for the

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[1] *Cic., l. c.* [2] *Dion Cass.*, xlvi., 33; *Gell.*, xix., 2; *Macrob., Sat.*, ii., 8.
[3] *Dion Cass.*, xxxvii., 27.
[4] *Varro, L. L.*, vii., 51; *Dion Cass.*, xxxix., 65; *Liv.*, x., 22; xli., 17; *Dionys.*, ix., 41. [5] *Cic., pro Sext.*, 36. [6] *Liv.*, ix., 34.
[7] *Liv.*, xxxix., 15; *Gell.*, xv., 27; *Macrob., Sat.*, i., 16; *Dion Cass.*, xxxvii., 27.
[8] *Dionys.*, vii., 59; x., 32; *Liv.*, xxxi., 7; xxxix., 15; *Cic., pro Muræn.*, 1; *Liv.*, xxvi., 2.

office in question.[1] He was, however, not obliged to announce the names of all the candidates that offered themselves; as, for example, if a candidate had not attained the legal age, or when he sued for one office without having been invested with those through which he had to pass previously, or if there was any other legal obstacle; nay, he might even declare, that if a person to whom he had any such objection should yet be elected, he would not recognize his election as valid.[2]

III. If the *comitia* had been assembled for the purpose of passing a law, it was recited by a public crier, while a secretary dictated it to him, and then the presiding officer made a speech in relation to it, and granted permission to others, if they desired it, of speaking either in favor of the measure or against it.[3] When, again, the *comitia* acted as a court of justice, the magistrate presiding stated the crime, proposed the punishment to be inflicted on the offender, and then allowed others to speak either in defence of the accused or against him.

IV. The usual beginning of all applications to the people was, *Velitis, jubeatis, Quirites*, and thus the people were said to be consulted or asked (*consuli* vel *rogari*), and the presiding magistrate to consult or ask them. Hence the bill was called *rogatio*,[4] and the people were said *jubere legem*,[5] "to pass a law," and *vetare legem*, "to reject one." So, again, *rogare magistratus*,[6] "to appoint magistrates," and *irrogare pœnam*, "to inflict punishment," &c.

V. The mode of voting was as follows: When the subject brought before the assembly had been sufficiently discussed, the presiding officer said, *Si vobis videtur, discedite Quirites*,[7] or *Ite in suffragium, bene juvantibus deis, et quæ patres censuerunt, vos jubete.* Whereupon the people, who, as usual, stood promiscuously, separated, each one departing to his own tribe and century. Hence the magistrate was said *mittere populum in suffragium*, and the people *inire* vel *ire in suffragium*.

VI. Anciently the centuries were called to give their votes according to the institution of Servius Tullius, namely, first the *Equites*, and then the centuries of the first class, &c., but afterward it was determined by lot in which order they should vote. When this was first done was uncertain. The century whose lot came out first gave its vote first in order, and hence was called *centuria prærogativa*;[8] the rest were termed *jure vocatæ*. The vote of the *centuria prærogativa* was held of the greatest importance, and was generally

[1] *Liv.*, x., 22; xxii., 35. [2] *Liv.*, iii., 21; xxiv., 7; *Val. Max.*, iii., 8, 3.
[3] *Liv.*, iii., 71; xxxi., 6, &c.; *Appian, Bell. Civ.*, i., 11; *Dion Cass.*, xxxviii., 4.
[4] *Liv.*, iv., 5; vi., 40: xxi., 17; xxii., 10; *Cic., de Fin.*, ii., 16; *pro Dom.*, 17, 30.
[5] *Sall., Jug.*, 40. [6] *Ib.*, 29. [7] *Liv.*, xxxi., 7. [8] *Ib.*, v., 18.

regarded as a kind of omen of the final result, since it frequently happened that the vote of the first century determined the manner in which the rest voted. Hence *prærogativa* is put for a sign or pledge, a favorable omen or intimation of any thing about to happen; as, *Supplicato est prærogativa triumphi;* and among later writers for a peculiar or exclusive privilege.

VII. Respecting the manner in which the votes were given in the earliest times, opinions are divided. Some think that they were given *viva voce*, and others by means of *calculi*, or in both ways; though it seems to be more probable that *calculi* were used. But at a later period, in order that the people might have more liberty in voting, it was ordained by various laws, called *Leges Tabellariæ*, that they should vote by ballot; first, by the *Gabinian* law, B.C. 139, in the election of magistrates;[1] two years after, B.C. 137, by the *Cassian* law, in all trials except for treason;[2] then, B.C. 131, by the *Papirian* law, in passing laws; and finally, B.C. 107, by the *Cælian* law, in trials for treason also, which had been excepted by the Cassian law. The object of these laws was to lessen the influence of the nobility.

VIII. The centuries being called by a herald, moved from the place where they stood and went each of them into an inclosure called *septum* or *ovile*. Hence they were said to be *intro vocatæ*.[3] There was a narrow passage leading to it, raised from the ground, called *pons* or *ponticulus*, by which each century went up one after another.[4] There were probably as many *pontes* and *septa* or *ovilia* as there were classes. Hence Cicero usually speaks of them in the plural.

IX. After the time when the *comitia* of the centuries became amalgamated with those of the tribes, previous to each assembly, a large space near the *villa publica* was surrounded with an inclosure, and divided into compartments for the several tribes. The whole of this inclosure was called *ovile*, *septa*, *carceres*, or *cancelli*. In later times, a stone building, containing the whole people, was erected, which was divided into compartments for the classes as well as the tribes and centuries.

X. At the entrance of the pons each citizen received tablets or ballots (*tabulæ*, vel *tabellæ*),[5] on which, if magistrates were to be elected, were inscribed the names of the candidates; not the whole names, but only the initial letters; and they seem to have received as many tablets as there were candidates. If, on the other hand,

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[1] *Cic., de Amicit.*, 12.
[2] *Cic., Brut.*, 25, 27.
[3] *Liv.*, x., 13.
[4] *Suet., Jul.*, 80.
[5] *Cic., ad Att.*, i., 14; *de Leg.*, iii., 17; *in Pis.*, 15; *pro Planc.*, 6.

a law was to be passed, two tablets were given to each person, on one of which were the letters U. R., i. e., *uti rogas*, scil. *volo*, vel *jubeo*, "I vote for the law;" and on the other was the letter A., i. e., *antiquo* (*antiqua probo, nihil novi statui volo*), "I like the old way," "I am for the old law." Hence *antiquare legem*, "to reject a law."

XI. In judicial cases, every citizen received two tablets marked respectively A., i. e., *absolvo*, "I acquit," and C., i. e., *condemno*, "I condemn." There was, perhaps, a third tablet, containing the letters N. L., i. e., *non liquet*, "the point is not clear," "I am in doubt." This, however, is uncertain.

XII. Of these tablets, every one threw which he pleased into a chest (*cista*) at the entrance of the *ovile*, which was watched by persons called *rogatores*, who asked for their ballots, and anciently for their votes, when these were given *viva voce*. When the voting was finished, the *rogatores* collected the ballots, and gave them to the *diribitores*, who divided and classified them, and then handed them over to the *custodes*, who checked them off by points marked on a tablet.[1] Hence *punctum* is used metaphorically to signify "a vote." The *rogatores*, *diribitores*, and *custodes* were generally friends of the candidates, who voluntarily undertook these duties. But Augustus selected nine hundred of the equestrian order to perform these offices.[2]

The common, but less correct account, makes the *custodes* to have watched lest any fraud should be committed in voting. This, however, was the duty of the *rogatores*. So, again, the *diribitores* are commonly supposed to have been the persons who gave to the citizens the *tabellæ* with which they voted. Wunder, however, has clearly proved, in the preface to his *Codex Erfurtensis* (p. cxxvi.–clviii.), that it was the office of the *diribitores* to divide the votes when taken out of the *cistæ*, so as to determine which had the majority. He remarks, that the etymology of *diribere* would lead us to assign to it the meaning of "separation" or "division," as it is compounded of *dis* and *habere*, in the same manner as *dirimere* is compounded of *dis* and *emere*. When Cicero says, "*Vos rogatores, vos diribitores, vos custodes tabellarum*," we may presume that he mentions these officers in the order in which they discharged their duties at the *comitia*.

XIII. If the points of any century were equal, its vote was not declared, but was reckoned as nothing except on trials, where the century which had not condemned was supposed to have acquitted.

XIV. The candidate who had most votes was immediately called by the magistrate who presided; and after a solemn prayer, and taking an oath, was declared to be elected.[3] This declaration was

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[1] Compare *Cic., in Pis.*, 15, "*Vos rogatores, vos diribitores, vos custodes tabellarum.*"

[2] *Cic., l. c.; post red. in Sen.*, 11; *Plin., H. N.*, xxxiii., 2.

[3] *Cic., pro Leg. Manil.*, 1; *pro Muræn.*, 1; *in Rull.*, ii., 2.

made twice, first by the herald and then by the presiding magistrate, and without such declaration (*renuntiatio*) the election was not valid.

XV. When a law was passed, it was engraven on bronze, and carried to the treasury or some other *tabularium* (p. 48, § 7). It used also to be fixed up in public, in some place where it might be easily read. Hence, *In Capitolio legum æra liquefacta*,[1] and *Nec verba minacia fixo ære legebantur*.[2] Jan. 8. 1852.

III. COMITIA TRIBUTA.

I. The *Comitia Tributa* were not established until B.C. 491, when the plebs or commonalty had acquired some considerable influence in the state. This was two years after the creation of tribunes of the commons, at the trial of Coriolanus.

II. They were an assembly of the people divided into tribes, according to their respective regions, and no qualification of birth or property was requisite to entitle a citizen to vote at them, but whoever belonged to any given region, and was, in consequence, registered in the corresponding tribe, had a vote at these *comitia*.

III. The *comitia tributa* were held to create magistrates, to elect certain priests, to make laws, and to hold trials.

IV. At these *comitia* were created all the inferior city magistrates, whose duty it was to protect the commonalty or to superintend the affairs of the tribes, as the *ædiles*, both curule and plebeian, the *tribunes of the commons*, &c. At a later period, the *quæstors* and *tribunes of the soldiers*, who had before been appointed by the consuls, were chosen at these same comitia. So, also, the *proconsuls* to be sent into the provinces, the *proprætors*, the *commissioners* for settling colonies, &c. The *Pontifex Maximus* was likewise chosen here, and after B.C. 104, the other *pontifices*, *augures*, *feciales*, &c., by the Domitian law.[3] But at the election of the *pontifex maximus* and the other priests, what was singular, only seventeen tribes were chosen by lot to vote, and a majority of them, namely, nine, determined the matter.[4]

V. The laws passed at these *comitia* were called *Plebiscita*, and at first merely bound the Plebeians, being, in fact, only resolutions or regulations concerning the local affairs of the tribes, and not in any way affecting the state as a whole. But after a time, when the tribes began to be the real representatives of the people, matters affecting the whole people also were brought before them by the tribunes, which, framed as resolutions, were laid before the senate, where they might be sanctioned or rejected. At a subsequent pe-

[1] *Cic., Cat.*, iii., 8.
[2] *Ovid., Met.*, i., 3.
[3] *Suet., Ner.*, 2.
[4] *Cic., Rull.*, ii., 7.

riod, B.C. 449, by a law of Publicola and Barbatus,[1] the power of a real *lex*, binding upon the whole people, was given to the decrees passed by the tribes, provided they obtained the sanction of the senate and also that of the people in the *comitia centuriata*. And at length the Hortensian law, B.C. 287, made the *plebiscita* independent of both the senate and the other *comitia*, so that henceforth the *comitia tributa* were quite independent in their legislative character. The influence of the *comitia tributa*, however, was more directed toward the internal affairs of the state and the rights of the people; while the *comitia centuriata* exercised their power more in relation to the foreign and external affairs of the state, although, toward the end of the republic, this distinction gradually vanished.

VI. The *judicial* power of the *comitia tributa* was much more limited than that of the *comitia centuriata*, inasmuch as they could take cognizance only of offences against the majesty of the people, while all crimes committed against the state were brought before the centuries. If, however, any one accused of a capital crime went during the trial into voluntary exile, the *comitia tributa* might pass sentence of banishment against him. The offences for which persons were summoned before the tribes were, bad conduct of a magistrate in the performance of his duties, neglect of duty, ill management of a war, embezzlement of the public money, and a variety of offences of private individuals, such as disturbances of the public peace, usury, adultery, and the like. The *comitia tributa* also acted as courts of appeal, as, for instance, when a person protested against a fine imposed by a magistrate.[2] The persons who acted as accusers in the *comitia tributa* were the tribunes and ædiles.

VII. With regard to the time at which these comitia were or could be convened, the same regulations were observed as at the *comitia centuriata*. As regarded the place of meeting, they might assemble either within or without the city, but not farther from it than one thousand paces, because the power of the tribunes did not extend farther. For elections the Campus Martius was usually chosen;[3] but sometimes, also, the forum, the Capitol, or the Circus Flaminius.[4]

VIII. The presiding officers were commonly the tribunes, who were supported by the ædiles, and no matter could be brought before the tribes without the knowledge and consent of the tribunes;[5]

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[1] *Liv.*, iii., 55, 67; *Dionys.*, xi., 45.

[2] *Dionys.*, vii., 17; *Cic.*, *de Leg.*, iii., 3; *Liv.*, xl., 42; *Zonar.*, vii., 17.

[3] *Cic.*, *ad Att.*, iv., 3; *Ep. ad Fam.*, vii., 30; *Plut.*, *C. Gracch.*, 3.

[4] *Cic.*, *ad Att.*, i., 16; *Liv.*, xxxiii., 10; xxvii., 21.

[5] *Liv.*, xxvii., 22; xxx., 41; *Cic.*, *de Leg. Agr.*, ii., 8.

even the ædiles could not bring a proposal before them without the permission of these magistrates.[1] One of the tribunes was chosen either by lot or common agreement to act as president;[2] but his colleagues usually had to sign the proposal which he brought before the commonalty.[3] As the *Comitia Tributa*, however, more and more assumed the character of national assemblies, the higher magistrates also sometimes acted as presidents, though, perhaps, not without previously obtaining the permission of the tribunes. There are only a few instances of higher magistrates presiding at these *comitia* when assembled for the purposes of legislation;[4] but the consuls and prætors often appear as presidents at the elections of tribunes, ædiles, and quæstors,[5] as well as when the *comitia tributa* were assembled as a court of justice.[6]

IX. The preparations for the *Comitia Tributa* were less formal and solemn than for those of the centuries. In the case of elections, the candidates had to give in their names, and the president communicated them to the people.[7] When a legislative measure was to be brought before the assembly, a tribune made the people acquainted with it in *conciones*, and that on the three preceding *nundinæ*. The same was the case when the people were to meet as a court of justice. Moreover, the auspices were not taken for these *comitia*, but then, if there had been thunder or lightning, they could not be held on that day; for it was a standing rule from the beginning of the republic, *Jove fulgente, cum populo agi nefas esse*.[8]

X. The convening of these assemblies was likewise less solemn than that of the centuries, for the tribune who had been chosen to preside at an election, or who brought forward a rogation, simply invited the citizens by his *viatores*, who were also sent into different parts of the country to invite the people living at a distance.[9] At the meeting itself, he sat on the tribunal supported by his colleagues, and laid before the people the names of the candidates, or the bill which he wished to have passed, or, if it were a trial, made them acquainted with the nature of the offence on which they were to pass sentence, concluding with these words, *Velitis, jubeatis Quirites*.

XI. The bill was never read by the tribune himself, but by a herald

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1 *Gell.*, iv., 4; *Dionys.*, vi., 90. 2 *Liv.*, ii., 56; iii., 64; iv., 57; v., 17.

3 *Cic., pro Sext.*, 33; *de Leg. Agr.*, ii., 9.

4 *Plin., H. N.*, xvi., 15; *Cic., pro Balb.*, 24; *Dion Cass.*, xxxviii., 6; xxxix., 65; *Appian., Bell. Civ.*, iii., 7, 27.

5 *Liv.*, iii., 55, 64; *Dionys.*, ix., 41, 43, 49; *Appian., Bell. Civ.*, i., 14; *Cic., pro Planc.*, 20; *ad Att.*, iv., 3; *in Vat.*, 5; *Ep. ad Fam.*, vii., 30.

6 *Liv.*, xxv., 4; *Appian., Bell. Civ.*, i., 31; *Dion Cass.*, xxviii., 17.

7 *Liv.*, iii., 64; *Appian., Bell. Civ.*, i., 14. 8 *Cic., in Vatin.*, 8 *de Div.*, ii., 18.

9 *Appian., Bell. Civ.*, i., 29.

or crier, and then began the debates, in which persons might either oppose or recommend the measure, though private persons had to ask the tribunes for permission to speak. When the discussion was over, the president said to the people *ite in suffragium*, as at the *comitia centuriata*. They then formed themselves into their tribes, which, like the centuries, voted in inclosures or *septa*. Which of the thirty-five tribes was to give its vote first, was determined by lot, and that tribe was called *prærogativa* or *principium*; the others were termed *jure vocatæ*. The manner of collecting the votes was, on the whole, the same as in the *comitia centuriata*. If two candidates had the same number of votes, the question was decided by drawing lots. The circumstances which might cause the meeting to break up and defer its business to another day are the same as those which put an end to the *Comitia Centuriata*. If, however, the people were assembled as a court, the breaking up of the assembly was to the accused equivalent to an acquittal.[1] If after the *comitia* the augurs declared that some formality had been neglected, the decree of the assembly thereby became void, and persons who had been elected to an office were obliged to withdraw.

The *Comitia Tributa*, in the latter days of the republic, acquired supreme importance, though the *Comitia Centuriata*, with their altered and more democratical Constitution (page 63), still continued to exist, and preserved a great part of their former power along with the comitia of the tribes. During this time the latter appear to have been chiefly attended by the populace, which was guided by the tribunes, and the wealthier and more respectable citizens had little influence in them. When the *libertini* and all the Italians were incorporated in the old thirty-five tribes, and when political corruption had reached its height, no trace of the sedate and moderate character was left, by which the *Comitia Tributa* had been distinguished in former times.[2] Violence and bribery became the order of the day, and the needy multitude lent willing ears to any instigations coming from wealthy bribers and from tribunes who were mere demagogues.

Sulla, for a time, did away with these odious proceedings; since, according to some, he abolished the *Comitia Tributa* altogether, or, according to others, deprived them of the right of electing the sacerdotes, and of all their legislative and judicial powers.[3] But the Constitution, such as it had existed before Sulla, was restored soon after his death by Pompey and others, with the exception of the *jurisdictio*, which was forever taken from the people by the legislation of Sulla. The people suffered another loss in the dictatorship of Julius Cæsar, who decided upon peace and war himself in connection with the senate. He had also the whole of the legislation in his hands, through his influence with the magistrates and the tribunes. The people thus retained nothing but the election of magis-

[1] *Cic., pro Dom.*, 17. [2] *Sall., Cat.*, 37; *Suet., Cæs.*, 41; *Cic., ad Att.*, i., 16.
[3] *Cic., in Verr.*, i., 13, 15; *de Leg.*, iii., 9; *Liv., Epit.*, 89; *Appian., Bell. Civ.*, i., 59.

trates; but even this power was much limited, as Cæsar had the right to appoint half the magistrates himself, with the exception of the consuls, and as, in addition to this, he recommended to the people those candidates whom he wished to be elected.[1]

Under Augustus the *Comitia* still sanctioned new laws and elected magistrates, but their whole proceedings were a mere farce, for they could not venture to elect any other persons but those recommended by the emperor.[2] Tiberius deprived the people even of this delusive power, and conferred the power of election upon the senate.[3] When the elections were made by the senate, the result was announced to the people assembled as *comitia centuriata* or *tributa*.[4] Legislation was taken away from the *comitia* entirely, and was completely in the hands of the senate and emperor. From this time the *Comitia* may be said to have ceased to exist, as all the sovereign power formerly possessed by the people was conferred upon the emperor by the *Lex Regia*. The people only assembled in the *Campus Martius* for the purpose of receiving information as to who had been elected or appointed as its magistrates, until at last even this announcement (*renuntiatio*) appears to have ceased.

Jan. 9. 1852.

CHAPTER V.

ROMAN MAGISTRATES.

OF MAGISTRATES IN GENERAL.—DIVISION OF MAGISTRATES.

I. A *Magistrate* is a person invested with public authority.[5] The office of a magistrate in the Roman republic was different from what it is among us. The Romans did not make the same discrimination between public employments that we do. The same person, for example, might regulate the police of the city, and direct the affairs of the empire; propose laws, and execute them; act as a judge or a priest, and command an army.[6]

II. The civil authority of a magistrate was called *magistratus* or *potestas*; his judicative power, *jurisdictio*; and his military command, *imperium*.

III. *Magistratus* signifies either "a magistrate," as *magistratus jussit*, or "a magistracy," as *Titio magistratus datus est*. So *potestas* means either the authority itself, or they who exercise it; as, *habere potestatem*, or *esse in potestate*, "to bear an office;" but *Gabiorum esse potestas*,[7] "to be magistrate of Gabii."

IV. When a magistrate was invested with military command by

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[1] *Dion Cass.*, xlii., 20. 40.
[2] *Suet.*, *Aug.*, 40, &c.; *Dion Cass.*, liii., 2; lv., 34; lvi., 40.
[3] *Tacit.*, *Ann.*, i., 15, 81; ii., 36, 51; *Vell. Pat.*, ii., 126.
[4] *Dion Cass.*, lviii., 20.
[5] *Cic.*, *de Leg.*, iii., 1; *Festus*, *s. v. Magistratus*.
[6] *Liv.*, x., 29, &c.
[7] *Juv.*, x., 99.

the people, for the people only could do it, he was said *esse in* vel *cum imperio*. This *imperium* was bestowed only on the higher magistrates, such as dictators, consuls, prætors, &c., and hence they were said to do any thing *pro imperio;* whereas the inferior magistrates, such as the tribunes of the commons, the ædiles, and quæstors, were said *esse sine imperio*, and to act only *pro potestate*.

The *imperium* was as necessary for the governor of a province as for a general who merely commanded the armies of the republic, since he could not without it exercise military authority. So far as we can trace the strict practice of the Roman Constitution, military command was given by a special *lex*, and was not incident to any office, and might be held without any other office than that of *imperator*. The *imperium* of the republic appears to have been, 1. A power which was only exercised out of the city; 2. A power which was specially conferred by a *lex curiata*, and was not incident to any office; 3. A power without which no military operation could be considered as done in the name and on behalf of the senate. Of this a notable example is recorded in Livy (xxvi., 2), where the senate refused to recognize a Roman as a commander because he had not received the *imperium* in due form.

V. The Roman magistrates were variously divided; into *ordinary* and *extraordinary; greater* and *less; curule* and *not curule;* also *patrician* and *plebeian; city* and *provincial* magistrates.

VI. The *Magistratus Ordinarii* were those who were created at stated times, and were constantly in the republic; the *Extraordinarii* were those who were only created to meet particular emergencies.

VII. The *Magistratus Majores* were those who had what were called the greater auspices. The *Magistratus Majores Ordinarii* were the consuls, prætors, and censors, who were created at the *Comitia Centuriata;* the *extraordinarii* were the dictator, the master of the horse (*magister equitum*), the interrex, the præfect of the city, &c. The *Magistratus Minores Ordinarii* were the tribunes of the commons, the ædiles, and quæstors, the *extraordinarii*, the *præfectus annonæ*, *duumviri navales*, &c.

VIII. The *Magistratus Curules* were those who had the right of using the *sella curulis*, or chair of state, namely, the dictator, consuls, prætors, censors, and curule ædiles. All the rest who had not that right were called *Non Curules*. A representation of the *sella curulis* is given on page 70.

IX. It was ordained by a law of Romulus that no one should enter any office unless the birds gave favorable omens. And by the *Lex Cornelia*, brought forward by Sulla, B.C. 81, a certain order was prescribed in obtaining preferments, namely, that no one should be prætor before being quæstor, nor consul before being prætor; nor

should enjoy the same office within ten years, nor hold two different offices in the same year. But these regulations were not strictly observed.

X. Anciently there would seem to have been no certain age fixed for enjoying the different offices. A law was first brought forward for this purpose (*Lex Annalis*) by L. Villius, tribune of the commons B.C. 180, fixing the age for the quæstorship at thirty, and for the consulship at forty-two. So, also, the legal age for the ædileship, at least in Cicero's time, was thirty-six, and for the prætorship, thirty-nine. Popular citizens, however, were frequently freed from these restrictions.[1]

XI. All magistrates were obliged, within five days after entering on their office, to swear that they would observe the laws;[2] and after the expiration of their office they might be brought to trial if they had done any thing amiss.[3]

Jan. 10. 1852.

CHAPTER VI.

ORDINARY MAGISTRATES.

CONSULS.—PRÆTORS.—CENSORS.—TRIBUNES OF THE COMMONS.—ÆDILES.—QUÆSTORS.

I. CONSULS.

1. *First Creation of Consuls.—Different Names.—Badges.*

I. After the expulsion of Tarquin, B.C. 510, two supreme magistrates were annually chosen, with equal authority, to be at the head of the republic. Their number was made two, in order that they might act as a check upon each other, and their office was limited to a single year, in order that they might not become overbearing and tyrannical by any long continuance of authority.

II. All the powers which had belonged to the king were transferred to these magistrates, except that which had constituted the monarch high priest of the state. This was kept distinct from the consular office, and was assigned to a sacerdotal dignitary called *Rex Sacrorum* or *Rex Sacrificulus*.

III. These new magistrates were at first called *Prætores*, either from their commanding the armies of the republic, or from their standing at the head of the state (*prætor*, quasi *præitor*, from *præire*). Traces of this title occur in ancient legal and religious documents,[4]

[1] *Wex on the Leges Annales of the Romans* (*Class. Mus.*, vol. iii., p. 410).
[2] *Liv.*, xxxi., 5.
[3] *Liv.*, xxxvii., 57; *Suet.*, *Cæs.*, 23.
[4] *Liv.*, vii., 3; *Plin.*, *H. N.*, viii., 3; *Fest.*, p. 161.

and also in the names *prætorium*, "the consul's tent," and *porta prætoria*, in the Roman camp.[1] Sometimes, also, they were called *Judices*, though this, perhaps, never was their official title, but was given them merely in their capacity of judges.[2]

IV. The name *Consules* for these magistrates was introduced in B.C. 305,[3] and henceforth remained the established title until the final overthrow of the Roman empire. The Greek term for *consules* is ὕπατοι, as indicating that they were the "highest" magistrates in the state.

The appellation *consul* has been generally supposed to come either from these magistrates *consulting* for the good of the state (*a reipublicæ consulendo*), or from their *consulting* the senate and people in relation to public affairs. The name *consul*, however, most probably means nothing more than "colleague," and is in all likelihood compounded of *con* and *sul*, which latter contains the same root as *salio*; so that *consules* are those who go together, or colleagues; just as *exsul* is "one who goes out," and *præsul* "one who goes before."

V. If either of the consuls died during his year of office, or abdicated before its expiration, the other was obliged to convene the *comitia* for the election of a successor, who was said to be substituted for the other (*subrogatus* vel *suffectus est*). This substituted one, however, could not hold the *comitia* for electing new consuls. In some few instances, the other consul remained in office alone, either because the remaining portion of the year was too short, or else from some religious scruples.[4]

VI. The *insignia* or badges of the consuls were the same with those of the kings, except the crown; namely, the *toga prætexta*, the *sella curulis*, the sceptre or ivory staff (*scipio eburneus*), and twelve lictors for each with the fasces, and in certain cases the *secures*.[5] At first, one of the consuls was preceded by twelve lictors with the *fasces* and *secures*, and the other by the same number of lictors with the *fasces* only, or, according to some accounts, with crowns around them.[6] But P. Valerius Poplicola, by one of the *Leges Valeriæ*, ordained that the *secures* should be removed from the *fasces*, and allowed only one of the consuls at a time to be preceded by the lictors in the city,[7] and the other to have merely an *accensus* going before him, and to be accompanied by no lictors at all. Some, indeed, think that in this latter case also there were lictors in attendance, but that they followed the consul. This, however, is a doubtful

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[1] *Paul. Diac.*, p. 123; *Pseudo-Ascon.*, *ad Cic. in Verr.*, i., 14.
[2] *Varro, L. L.*, vi., 9; *Liv.*, iii., 55.
[3] *Zonar.*, vii., 19.
[4] *Dionys.*, v., 57; *Dion Cass.*, xxxv., 4.
[5] *Liv.*, xxv., 17; xxvii., 27; *Val. Max.*, i., 1, 9. Compare *Liv.*, vi., 34; xxxix., 12.
[6] *Dionys.*, v., 2.
[7] *Cic.*, *de Rep.*, ii., 31; *Val. Max.*, iv., 1, 1.

point as regards earlier times, though it is certain that, in later days, the consul, when he did not perform the functions of his office, was followed by the twelve lictors. The arrangement here alluded to with regard to the lictors preceding was for a month alternately.

The *fasces* appear to have been usually made of birch, sometimes also of the twigs of the elm. They are said to have been derived from Vetulonia, a city of Etruria. The lictors went one by one in a line. The following wood-cuts give the reverses of four consular coins: in the first we

see the lictors carrying the *fasces* and *securis* on their shoulders; in the second, two *fasces*, and between them a *sella curulis;* in the third, two *fasces* crowned, with the consul standing between them; and in the fourth, the same, only with no crowns around the *fasces*.

VII. It is commonly believed that the consul, who, for the month being, performed the functions of the office, was designated as the *Consul major;* but the ancients themselves were doubtful as to whether the term applied to the one who had the *fasces*, or to the one who had been elected first;[1] and there seems to be good reason for believing that the word *major* had reference only to the age of the consul, so that the elder of the two was called *Consul major*,[2] and had the *fasces* first.

2. *Power of the Consuls.*

I. The power of the consuls, as already remarked, was at first equal to that of the kings, with the exception of the sacerdotal au-

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[1] *Festus*, p. 161.

[2] *Liv.*, xxxvii., 47; *Cic., de Repub.*, ii., 31; *Val. Max.*, iv., 1, 1; *Plut., Vit. Publ.*, 12; *Dionys.*, vi., 57.

thority of the *Rex Sacrorum*, which was detached from it. Poplicola, however, by one of the *Leges Valeriæ*, took away the *securis* from the *fasces*, that is, he took away from the consuls the power of life and death, and only left them the right of scourging. This prohibition, however, applied only to the city and a thousand paces around it; for, beyond these limits, the consuls, when invested with military command (*imperium*), still retained the *securis*, that is, the right of punishing capitally.

II. Poplicola likewise, by another *Lex Valeria*, allowed to every one the liberty of appealing from a consul's sentence to the assembly of the people, and that no magistrate should punish a Roman citizen who thus appealed. This right of appeal, however, could only be exercised within the city and a thousand paces around it, as in the case just mentioned of the *securis* and *fasces*.

III. Still, however, even after the Valerian laws, and the institution of the tribuneship, the consuls, who alone were invested with the executive, retained the most extensive powers in all departments of government. But in the gradual development of the constitution, some important functions were detached from the consulship and assigned to new officers. This was the case first with the census in B.C. 443, an office which at first was confined to holding the census and registering the citizens, but afterward acquired very extensive powers. (*Vid.* Censors.)

IV. The second function that was in this manner taken from the consuls was their judicial power, which was transferred, in B.C. 365, to a distinct magistracy under the title of the prætorship (*vid.* Prætor); and henceforth the consuls appeared as judges only in extraordinary cases of a criminal nature, when they were called upon by a *senatusconsultum*.[1] But, notwithstanding these curtailings, the consulship still continued to be regarded as the representative of regal power.[2]

V. As regards the nature of the power enjoyed by the consuls, we must divide it, in the outset, into two parts, inasmuch as these magistrates were the highest civil authority, and, at the same time, the supreme commanders of the armies of the state.

VI. So long as the consuls remained in the city, they were at the head of the government and administration, and all the other magistrates were, with the exception of the tribunes of the commons, subordinate to them. The following summary may give some idea of the extent of their civil powers:

1. They convened the senate, and, as presiding officers, conducted

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[1] *Cic., Brut.*, 32; *Liv.*, xxxix., 17, &c.; xli., 9.

[2] *Polyb.*, vi., 11; *Cic., de Leg.*, iii., 3.

the business of that body. They had also to carry into effect the decrees of the senate, and sometimes, on urgent emergencies, they might even act on their own responsibility and authority.

2. They were the medium through which foreign affairs were brought before the senate; and all dispatches and reports were placed in their hands before they were laid before that body. By them, also, foreign ambassadors were introduced into the senate, and they alone carried on negotiations between the senate and foreign states.

3. They also convened the assembly of the people, and presided in it; and thus conducted the elections, put legislative measures to the vote, and had to carry the decrees of the people into effect.[1]

4. The whole of the internal machinery of the republic was, in fact, under their superintendence, and in order to give weight to their executive power, they had the right of summoning and arresting the obstreperous (*vocatio et prensio*),[2] which was limited only by the right of appeal from their judgment; and their right of inflicting punishment might be exercised even against inferior magistrates.

VII. But the powers of the consuls were far more extensive in their capacity of supreme commanders of the armies of the state, when they were without the precincts of the city, and were invested with the full *imperium*. Thus:

1. When the levying of an army was decreed by the senate, the consuls conducted the levy, and, at first, had the appointment of all the subordinate officers, a right which they subsequently shared with the people; and the soldiers had to take the oath of allegiance to the consuls.

2. They also determined the contingent to be furnished by the allies; and, in the province assigned to them, they had the unlimited administration not only of all military affairs, but of every thing else, even over life and death, excepting only the conclusion of peace and making of treaties.[3]

3. The treasury was, indeed, under the control of the senate, but in regard to the expenses for war, the consuls do not appear to have been bound down to the sums granted by that body, but to have availed themselves of the public money as circumstances required. The quæstors, however, kept a strict account of the expenditure.[4] But when, in times of need, money was to be taken from the *ærarium sanctius*, of which the keys seem to have been in the exclusive possession of the consuls, they had to be authorized by a *senatusconsultum*.[5]

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[1] *Polyb.*, vi., 12. [2] *Cic.*, *in Vat.*, 9; *pro Dom.*, 41. [3] *Polyb.*, vi., 12.
[4] *Polyb.*, vi., 12, 13, 15; *Liv.*, xliv., 16. [5] *Liv.*, xxvii., 10.

4. In early times, the consuls had the power to dispose of the booty in any way they pleased; sometimes they distributed the whole or a part of it among the soldiers, and sometimes they sold it, and deposited the produce in the public treasury, which in later times became the usual practice.

VIII. Every body went out of the way, uncovered their heads, dismounted from horseback, or rose up to the consuls as they passed by.[1] If any one failed to do so, and the consul took notice of it, he was said to order the lictor *animadvertere*,[2] "to mark" this conduct. Acilius the consul ordered the curule chair of Lucullus the prætor to be broken in pieces, when he was administering justice, because he had not risen up to him while passing by.[3] When a prætor met a consul, the lictors of the former always lowered their *fasces*.[4]

IX. In dangerous emergencies, the consuls were armed with dictatorial power by the solemn decree of the senate, and the well-known formula, *Videant*, or *dent operam consules, ne quid respublica detrimenti capiat*.[5]

X. The year was named after the consuls, as it used to be at Athens from one of the archons.[6] Thus *M. Tullio Cicerone et L. Antonio Consulibus* marked the six hundred and ninetieth year of Rome, or B.C. 64. Hence *numerare multos consules* for *multos annos*;[7] and again, *Bis jam pæne tibi consul trigesimus instat*, "You are nearly sixty years old."[8] And the consuls were said *Aperire annum, fastosque reserare*.[9] In designating the year, the name of the *consul major* came first, and hence he is sometimes called *consul prior*. Owing to the respect paid to the elder consul, or *consul major*, he presided at the meeting of the senate which was held immediately after the election.

3. *Checks on the Consular Power.*

I. Abuse of the consular power was prevented, first of all, by each of the consuls being dependent on his colleague, who was invested with equal rights; for, if we except the provinces abroad, where each was permitted to act with unlimited power, the two consuls could do nothing unless both were unanimous.[10]

II. Against the sentence of one consul an appeal might be brought before his colleague; nay, one consul might, of his own accord, put his veto on the proceedings of the other.[11]

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1 *Sen., Ep.*, 64.
2 *Liv.*, xxiv., 44; *Suet., Cæs.*, 80.
3 *Dion Cass.*, xxxvi., 10, 24.
4 *Dionys.*, viii., 44.
5 *Liv.*, iii., 4; vi., 19; *Sall., Cat.*, 29.
6 *Cic., de Fab.*, 9.
7 *Sen., Ep.*, 4.
8 *Martial.*, i., 16, 3.
9 *Plin., Pan.*, 58; *Horat., Od.*, iii., 8, 12.
10 *Dionys.*, x., 17; *Appian., Bell. Civ.*, ii., 11.
11 *Liv.*, ii., 18, 27; iii., 34; *Dionys.*, v., 9; *Cic., de Leg.*, iii., 4.

III. In order, moreover, to avoid every unnecessary dispute or rivalry, it was arranged from the very first, as already remarked, that the real functions of the office should be performed in the city only by one of them every alternate month,[1] and the one who was in the actual exercise of the consular power was preceded, as we have said, by the twelve lictors, whence he is commonly described by the words *penes quem fasces erant.*[2]

IV. Another point which acted as a check upon the exercise of the consular power was the certainty that, after the expiration of their office, they might be called to account for the manner in which they had conducted themselves in their official capacity. Many cases are on record in which, after their abdication, they were accused and condemned not only for illegal and unconstitutional acts, but also for misfortunes in war, which were ascribed either to their carelessness or want of ability.[3]

V. The chief check, however, on the consular authority was the power of the tribunes of the commons. The ever-increasing arrogance of these magistrates brought them almost constantly into collision with the consuls, and we not unfrequently find the latter, even during their time of office, not only threatened with punishment and imprisonment, but actually subjected to them.[4] Sometimes the people themselves opposed the consuls in the exercise of their power.[5]

VI. Lastly, the consuls were in several respects dependent upon the senate, as we have already remarked when treating of the authority of that body.

4. *The Day on which the Consuls entered on Office*, &c.

I. In general it was observed as a rule, that the magistrates should enter upon their office on the calends or ides of a month, unless particular circumstances rendered this impossible. The first consuls are said to have entered upon their office on the ides (13th) of September;[6] then we find mention of the calends of August,[7] of the ides of December,[8] of the calends of July,[9] and very frequently of the ides (15th) of March,[10] until in B.C. 153 it became an established rule for the consuls to enter upon their duties on the calends

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[1] *Dionys.*, ix., 43. [2] *Liv.*, viii., 12; ix., 8.

[3] *Liv.*, ii., 41, 52, 54, 61; iii., 31; xxii., 40; xxvi., 2, 3; xxvii., 34; *Cic., Nat. Deor.*, ii., 3, &c.

[4] *Liv.*, iv., 26; v., 9; xlii., 21; *Epit.*, 48, 55; *Cic., de Leg.*, iii., 9; *in Vat.*, 9; *Val. Max.*, ix., 5, 2; *Dion Cass.*, xxxvii., 50.

[5] *Liv.*, ii., 55, 59. [6] *Dionys.*, v., 1; *Liv.*, vii., 3. [7] *Dionys.*, xi., 13; *Liv.*, iii., 6.

[8] *Dionys.*, xi., 63. [9] *Liv.*, v., 32. Compare 31; vii., 25; viii., 20.

[10] *Liv.*, xxii., 1; xxxiii., 30; xxvi., 1; xliv., 19.

of January; and this custom continued down to the end of the republic.[1]

II. From the day of election to that when they entered upon office, they were called *Consules Designati*, "Consuls elect," and whatever they did during that interval, they were said to do by their authority (*auctoritate*), not by their power (*potestate*).[2] Among other honors paid them while thus consuls elect, they were always asked their opinion first in the senate.

III. The entering of a consul upon his office was always connected with great solemnities. Before daybreak each consulted the auspices for himself. After this they each returned home, put on the *toga prætexta*,[3] and received the *salutatio* of friends and the senators.[4] Accompanied by these and a host of curious spectators, the consul, clad in his official robes, proceeded to the temple of Jupiter in the Capitol, where a solemn sacrifice of white bulls was offered to the god. In this procession, the *sella curulis*, as an emblem of his office, was carried before him.[5] After this a meeting of the senate took place, at which the elder of the two new consuls made his report concerning the republic, beginning with matters referring to religion,[6] and then passing on to other affairs.

IV. One of the first among the religious matters which the consuls had to attend to was the fixing of the *Feriæ Latinæ*, or "Latin Holydays," and it was not until they had performed the solemn sacrifice on the Alban Mount that they could enter fully on their official duties, or go into their provinces.[7] The other affairs upon which the consuls had to report to the senate had reference to the distribution of the provinces, and many other matters connected with the administration, which often were of the highest importance. After these reports the meeting of the senate broke up, and the members accompanied the consuls to their homes,[8] and this being done, the consuls were installed in their office, in which they had to exert themselves for the good of their country.

V. Within five days the new consuls were obliged to swear to observe the laws, as they had done when elected. And, in like manner, when they resigned their office, they assembled the people, and made a speech to them about what they had done in their consulship, and took an oath that they had in no respect acted contrary to the laws. Any one of the tribunes, however, might hinder them

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1 *Liv.*, *Epit.*, 47.
2 *Cic.*, *in Pis.*, 4.
3 *Liv.*, xxi., 63.
4 *Dion Cass.*, lviii., 5.
5 *Ov.*, *Ep. ex Pont.*, iv., 4, 27, 29, &c.; *Liv.*, xxi., 63; *Cic.*, *de Leg. Agr.*, ii., 34.
6 *Liv.*, vi., 1; ix., 8; xxxvii., 1; *Cic.*, *ad Quir.*, *post red.*, 5.
7 *Liv.*, xxi., 63; xxii., 1; xxv., 12; xlii., 10.
8 *Ovid*, *Ep. ex Pont.*, iv., 4, 41.

from making a speech, and only permit them to swear, as the tribune Metellus did in the case of Cicero,[1] whereupon Cicero instantly swore, with a loud voice, that he had saved the republic and the city from ruin, which the assembled people confirmed with a loud shout, and then conducted him home from the forum with every demonstration of joy.[2]

5. *Provinces of the Consuls.*

I. During the first days of their office, the consuls cast lots, or else agreed between themselves about their provinces. The decision by lot was resorted to for no other reason than because the two consuls had equal rights, and not, as some believe, because it was thereby intended to leave the decision to the gods. If it was thought that one of the consuls was eminently qualified for a particular province, either on account of his experience or personal character, it frequently happened that a commission was given to him *extra sortem* or *extra ordinem*, that is, by the senate, and without any drawing of lots.[3]

II. The original meaning of the term *provincia* seems to be "a duty," or "matter intrusted to a person," and it is supposed to be an abbreviated form of *providentia*, the true orthography being probably *provintia*, which occurs in one of the manuscripts of Livy.[4]

III. Before the Roman sway was widely extended, the province of a consul was simply a certain charge assigned him, as a war to be carried on, or a certain country in which he was to act during his consulship. In these early times it seems to have been the custom for only one of the consuls to march out at the head of an army, and for the other to remain at Rome for the protection of the city, and to carry on the administration of civic affairs, unless, indeed, wars were carried on in two different quarters, which rendered it necessary for both consuls to take the field.

IV. When the Roman dominion extended beyond the natural boundaries of Italy, the two consuls were not enough to undertake the administration of the provinces, which were then countries that had been conquered by the Roman arms. Prætors were accordingly appointed to undertake the command in some, while the more important ones were reserved for the consuls. Hence a distinction was made between the *provinciæ consulares* and *prætoriæ*.

V. The first country that was made a province, in this later sense of the term, was Sicily, B.C. 241, and next in point of time was

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[1] *Dion Cass.*, xxxvii., 38. [2] *Cic. in Pis.*, 3; *Ep. ad Fam.*, v., 2.
[3] *Liv.*, iii., 2; viii., 16; xxxvii., 1; *Cic., ad Att.*, i., 19.
[4] *Liv.*, xxi., 17. Compare *Ulpian, Frag.*, xi., 20, *ed. Böcking.*

Sardinia, B.C. 235. A conquered country received its provincial organization either from the Roman commander, whose acts required, however, the approval of the senate, or the government was organized by the commander and a body of commissioners appointed by the senate out of their own number.

VI. It remained with the senate to determine into which provinces consuls were to be sent, and into which prætors, and this was done either before the magistrates actually entered upon their office, or after it, and on the proposal of the consuls. Upon this the magistrates either agreed among themselves as to which province each was to undertake, or they drew lots, first, ~~of course,~~ the consuls, and after them the prætors. One of the laws of C. Gracchus, however, introduced the regulation that, every year, the senate, previous to the consular elections, should determine upon the two consular provinces, in order to avoid partiality, it being yet unknown who were to be consuls.

VII. It had been customary from the earliest times for the consuls to enter their province in the year of their consulship, either at the very beginning or afterward; but in the latter period of the republic, the ordinary practice of the consuls was to remain at Rome during the year of their office, and to go into their province in the year following as proconsuls; until, at length, in B.C. 53, a *senatusconsultum*, and the year after, a law of Pompey, enacted that a consul or prætor should not go into any province till five years after the expiration of his office.

VIII. When a consul was once in his province, his imperium was limited to it, and to exercise the same in any other province was at all times considered illegal. In some few cases, however, this rule was overlooked for the good of the republic. On the other hand, a consul was not allowed to quit his province before he had accomplished the purpose for which he had been sent into it, or before the arrival of his successor, unless, indeed, he obtained the special permission of the senate.

6. *From what Order the Consuls were Created.*

I. Down to the year B.C. 366, the consulship was accessible to none but patricians, but in that year L. Sextius was the first plebeian consul, in consequence of the law of C. Licinius.[1] The patricians, however, notwithstanding the law, repeatedly contrived to keep the plebeians out,[2] until, in B.C. 342, the insurrection of the army of Capua was followed, among other important consequences, by the firm establishment of the plebeian consulship; and it is even

[1] *Liv.*, vi., 42; vii., 1.

[2] *Id.*, vii., 17, 18, 19, 22, 24, 28.

said that at that time a plebiscitum was passed, enacting that both consuls might be plebeians.[1]

II. Attempts on the part of the patricians to exclude the plebeians occur as late as the year B.C. 297.[2] But they did not succeed, and it remained a principle of the Roman constitution that both consuls should not be patricians.[3] The candidates were usually divided into two sets, the one desirous to obtain the patrician, and the other the plebeian place in the consulship.[4] But as, in the course of time, the patricians were thrown into the shade by the rising power of the *nobiles*, it came to pass that both consuls were plebeians. In B.C. 215, the augurs, indeed, opposed the election of two plebeians;[5] but not long after, in B.C. 172, the fact of both consuls being plebeians actually occurred, and after this it was often repeated, the ancient distinction between patricians and plebeians falling completely into oblivion.

7. *Consuls, where Elected.*

I. The election of consuls invariably took place in the *Comitia Centuriata*, under the presidency of a consul or a dictator, and, in their absence, of an *interrex*. The consuls thus elected at the beginning of a year were styled *consules ordinarii*, to distinguish them from the *suffecti*, or such as were elected in the place of those who had died or abdicated, though the privileges and powers of the latter were in no respect inferior to those of the former.

II. At the time when the consulship was superseded by the institution of the *Tribuni Militares consulari potestate*, the latter, of course, presided at elections, as the consuls did before and after, and must, in general, be regarded as the representatives of the consuls in every respect. It was, however, a rule, that the magistrate presiding at an election should not be elected himself, though a few exceptions to this rule are recorded.[6] The day of the election, which was made known by an edict three *nundinæ* beforehand,[7] naturally depended upon the day on which the magistrates entered upon their office. The latter, however, as already remarked, was not the same at all times, but was often changed.

8. *Legal Age, and other Requisites for the Consulship.*

I. The legal age for enjoying the consulship (*Ætas Consularis*) was forty-two. A man could canvass for the consulship after the

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[1] *Liv.*, vii., 42.
[2] *Id.*, x., 15; *Cic.*, *Brut.*, 14.
[3] *Id.*, xxvii., 34; xxxix., 42.
[4] *Id.*, xxxv., 10.
[5] *Id.*, xxiii., 31.
[6] *Id.*, iii., 35; vii., 24; xxiv., 9; xxvii., 6.
[7] *Id.*, iii., 35; iv., 6; xlii., 28.

completion of his forty-first year, and enter on his office immediately after the completion of his forty-second year.[1] The expressions "*anno meo*," "*anno suo*," however, which have hitherto been generally supposed to refer to a person's being made consul as soon as he had attained to the legal age for holding that office, are now more correctly considered to have reference, not to the age of the candidate, but rather to the fixed delay which had to expire after the administration of the office immediately preceding, before an individual could obtain the one next in succession.[2]

II. Before one could be made consul, it was requisite to have gone through the inferior offices of quæstor, ædile, and prætor. It behooved candidates for this office, moreover, to be present; and no one could be created a consul a second time till after an interval of ten years.[3] But these regulations were not always observed. Many persons were created consuls in their absence, and without asking it;[4] and several below the legal age: thus, M. Valerius Corvus at twenty-three;[5] Scipio Africanus the elder at twenty-eight;[6] and Africanus the younger at thirty-eight;[7] T. Quinctius Flamininus when not quite thirty; and Pompey before he was full thirty-six years old.

III. To some the consulship was continued for several years without intermission; as, to Marius,[8] who was seven times consul, and once and again created in his absence. Several persons were made consuls without having borne previously any curule office.[9] Many were re-elected within a less interval than ten years.

9. *The Consular Office under the Emperors.*

I. Toward the end of the republic the consulship lost its power and importance. Cæsar, in his dictatorship, gave it the first severe blow, for he himself took the office of consul along with that of dictator, or he arbitrarily caused persons to be elected who in their actions were entirely dependent upon his will. He himself was elected at first for five years, then for ten, and at length for life.[10]

II. In the reign of Augustus, the consular power was a mere shadow of what it had been before, and the consuls who were elected did not retain their office for a full year, but had usually to abdicate after a few months.[11] These irregularities increased to such

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1 *Wex, on the Leges Annales* (*Class. Mus.*, vol. x., p. 405, *seqq.*).
2 *Wex, l. c.*
3 *Liv.*, vii., 42; x., 13.
4 *Cic., de Am.*, 3.
5 *Liv.*, vii., 26.
6 *Id.*, xxv., 2; xxvi., 18.
7 *Id., Epit.*, xlix.; *Cic., de Am.*, 3.
8 *Liv., Epit.*, 67.
9 *Id.*, xxv., 42; xxxii., 7; *Dion Cass.*, xxxvi., 23.
10 *Sueton., Cæs.*, 76, 80; *Dion Cass.*, xlii., 20; xliii., 1; *Appian., Bell. Civ.*, ii., 106.
11 *Dion Cass.*, xlviii., 35; xliii., 46; *Lucan.*, v., 399.

an extent, that in the reign of Commodus there were no less than twenty-five consuls in one year.[1]

III. In the republican time, as we have already remarked, the year had received its name from the consuls, and in all public documents their names were entered to mark the year; but from the time that there were more than two in one year, only those that entered upon their office at the beginning of the year were regarded as *consules ordinarii*, and gave their names to the year, though the *suffecti* were likewise entered in the *Fasti*.[2] The *consules ordinarii* ranked higher than those who were elected afterward.

IV. The election from the time of Tiberius was in the hands of the senate, who, of course, elected only those that were recommended by the emperor. Those who were elected were then announced to the people assembled in what was called *comitia*.[3]

V. In the last centuries of the empire it was customary to create honorary consuls (*consules honorarii*), who were chosen by the senate and sanctioned by the emperor,[4] and *consules suffecti* were then scarcely heard of at all, for Constantine restored the old custom of appointing only two consuls, one for Constantinople and the other for Rome, who were to act as supreme judges (under the emperor) for a whole year, and besides these two there were no others except honorary consuls, and *consulares* or persons who had previously held the consulship.

VI. Although the dignity of these honorary consuls, as well as of the *consules ordinarii* and *suffecti*, was merely nominal, still it was regarded as the highest in the empire, and was sought after by noble and wealthy persons with the greatest eagerness, notwithstanding the great expenses connected with the office on account of the public entertainments which a newly-appointed consul had to give to his friends and the people.[5] Sometimes the emperors themselves assumed the consulship or conferred it upon imperial princes.

VII. The last consul of Rome was Decimus Theodorus Paulinus, A.D. 536, and at Constantinople, Flavius Basilius Junior, in A.D. 541. After that time the emperors of the East took the title of consul for themselves, until in the end it fell quite into oblivion.

VIII. The official functions of the consuls under the empire were as follows: 1. They presided in the senate, though, of course, never without the sanction of the emperor: 2. They administered justice,

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[1] *Lamprid., Commod.*, 6; *Dion Cass.*, lxxii., 12.

[2] *Sueton., Domit.*, 2; *Galb.*, 6; *Vitell.*, 2; *Senec., de Tranq.*, iii., 31; *Plin., Paneg.*, 38. [3] *Dion Cass.*, lviii., 20; *Plin., Paneg.*, 77; *Tacit., Ann.*, iv., 68.

[4] *Cassiod.*, i., 10; *Justin., Nov.*, lxx., 80, c. 1.

[5] *Lydus, de Magistr.*, ii., 8; *Liban., Orat.*, 8; *Symmach.*, ii., 64; iv., 8; x., 44; *Sidon. Apollin., Epist.*, ii., 3; *Cassiod.*, ii., 2; vi., 1; *Procop., Bell. Pers.*, i., 25.

partly *extra ordinem*,[1] and partly in ordinary cases, such as manumissions, or the appointment of guardians:[2] 3. The letting of the public revenues, a duty which had formerly been performed by the censors:[3] 4. The conducting of the games in the Circus, and of public solemnities in honor of the emperors, for which they had to defray the expenses out of their own means.[4] Some emperors, indeed, granted the money necessary for such purposes, and endeavored to check the growing extravagance of the consuls; but these regulations were only of a transitory nature. Jan. 12. 1852.

II. PRÆTORS.

1. *Institution and Power of the Prætor.*

I. The name *Prætor* was originally given to the consuls, as we have already remarked, and designated them as the leaders of the armies of the state,[5] for the term contains the same elemental parts as the verb *præire*. Hence, also, the dictator is called *Prætor maximus*.

II. But when the consuls, being engaged in almost continual wars, could not attend to the administration of justice, a magistrate was created for that purpose, B.C. 366, with the special title of *Prætor*. He was chosen at first only from the patricians, as a compensation for their being compelled to share the consulship with the plebeians.[6] No plebeian prætor was appointed until B.C. 337.

III. The prætor was called *collega consulibus*, and was elected with the same auspices at the *comitia centuriata*.[7] The prætorship, in fact, was originally a kind of third consulship. The chief functions of the prætor, it is true, were to dispense justice;[8] but, besides this, he sometimes commanded the armies of the state, and while the consuls were absent with the forces, he exercised their functions within the city. He was a curule magistrate, and had the *imperium*, and consequently was one of the *magistratus majores*, but he owed respect and obedience to the consuls.[9] His insignia of office were six lictors. At a later period, however, he was attended by two lictors in the city, who went before him with the *fasces*, and by six lictors without the city. He also wore the *toga prætexta*.

IV. It appears from Livy[10] that the prætorship was originally given to a consul of the preceding year; and after the plebeians obtained

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[1] *Tacit., Ann.*, iv., 19; xiii., 4; *Gell.*, xiii., 24.
[2] *Amm. Marcell.*, xxii., 7; *Cassiod.*, vi., 1; *Sueton., Claud.*, 23; *Plin., H. N.*, ix., 13.
[3] *Ovid, ex Pont.*, iv., 5, 19.
[4] *Sueton., Nero*, 4; *Juv.*, xi., 193; *Cassiod., l. c.*, and iii., 39; v., 42; vi., 10.
[5] *Cic., de Leg.*, iii., 3.
[6] *Liv.*, vi., 42; vii., 1.
[7] *Id.*, xlv., 44.
[8] *Id.*, vi., 42; vii., 1.
[9] *Polyb.*, xxxiii., 1.
[10] *Liv.*, x., 47

admission to this magistracy, it was given alternately, at least for a time, to the patrician and plebeian consul of the preceding year.

V. As the prætor was a kind of substitute for the consuls, there was nothing in the nature of the office which limited the number; and, accordingly, in B.C. 247, another prætor, called *Prætor Peregrinus*,[1] was created, who administered justice in matters between citizens and foreigners, or between foreigners only. The other prætor was then called *Prætor Urbanus*, and administered justice between citizens only. The two prætors, after their election, determined, by casting lots, which of these two jurisdictions each should exercise.

VI. The *Prætor Urbanus* was the more honorable of the two, and hence was sometimes called *Prætor Honoratus*[2] and *Prætor Major*. The duties of his office were numerous and important, and hence he could not be absent from the city for more than ten days at a time.[3] In the absence of the consuls he supplied their place, and presided in the assemblies of the people. He had likewise the troublesome and expensive duty of superintending the public games, as the Ludi Apollinares, the Circensian and Megalesian games,[4] and therefore had a particular jurisdiction over players and other persons of this class; at least, under the emperors.[5] He also gave gladiatorial shows to the people.

VII. The power of the prætor in the administration of justice was expressed in the three words *Do*, *Dico*, *Addico*, as follows: "*Prætor dabat actionem et judices.*" The prætor gave the form of the writ for trying and redressing a particular wrong, and appointed judges or a jury to judge in the cause: *Dicebat jus*, "he pronounced sentence:" *Addicebat bona vel damna*, "he adjudged the goods of the debtor to the creditor," &c.

VIII. The days on which the prætor administered justice were called *Dies Fasti* (*quod iis diebus hæc tria verba* fari *licebat*). Those days on which it was unlawful to administer justice were called, on the other hand, *Nefasti*. Hence we have the following distich in the Fasti of Ovid:

Ille nefastus erit, per quem tria verba silentur:
Fastus erit, per quem lege licebit agi.[6]

2. *Edicts, &c., of the Prætor.*

I. The *Prætor Urbanus* became the chief magistrate for the administration of justice, and, in this respect, his office was the most important in the state. He was one of the magistrates who had the

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[1] *Dig.*, 1, tit. 2, s. 28. [2] *Ovid.*, *Fast.*, i., 52. [3] *Cic.*, *Phil.*, ii., 13.
[4] *Liv.*, xxvii., 23: *Juv.*, xi., 192. [5] *Tacit.*, *Ann.*, i., 77. [6] *Ov.*, *Fast.*, i., 47.

Jus Edicendi, or right of publishing edicts, which were the foundation of a body of law known under the names of *Jus Honorarium* or *Prætorium*. The *Prætor Peregrinus* had also the *Jus Edicendi*; and the edicts of these two prætors formed the largest body of this edictal law.

II. The edicts of the *Prætor Urbanus* were published generally on entering on his office, and occasionally during its continuance. It is difficult to describe these edicts in exact terms; but they had reference only to civil actions, and their object was generally to provide for cases unprovided for by the existing laws, and mainly by introducing new kind of action (*actiones utiles*), when the actions of the old law (*actiones directæ*) did not apply, and fixing the mode of procedure. They often adapted a new form to an existing right; and they contrived, by various legal fictions, to accommodate the limited provisions of the old laws to the existing wants of society.[1]

III. The prætor also interfered in a summary way by his interdict (*Interdictum*), particularly in matters of possession; in the case of a man who was of unsound mind, and incompetent to manage his property; or a prodigal who was wasting his substance; in which cases the prætor appointed a curator, when the laws of the Twelve Tables had not provided for one. He also gave relief in cases of fraud, whenever the law had made no provision;[2] and in the case of minors, he set aside fraudulent transactions.[3]

IV. In civil matters, except in the case of interdicts, the prætor did not give final judgment.[4] A person who had a claim against another which was disputed, applied to the prætor for the purpose of obtaining a reference of the matter in dispute to a *judex* or *judices*, with the proper instructions, which were contained in the formula. The proceedings before the prætor merely had reference to the pleadings, and various proceedings by which the matters in dispute between the two parties were to be brought to issue, and made ready for trial before the *judex* or *judices*. These proceedings before the prætor, therefore, were said to be merely *in jure*. Those before the *judex* or *judices* were said to be *in judicio*.

V. The edicts of his predecessors, though not absolutely binding on an actual prætor, were frequently adopted by him, and were then called *edicta tralatitia*. Those, on the other hand, which he framed himself, were termed *edicta nova*; and so any clause or part of an edict was called, as the case might be, *caput tralatitium* or *novum*.

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[1] *Penny Cyclop.*, vol. xviii., p. 486.

[2] *Dig.*, 4, tit., 3.

[3] *Savigny, Von dem Schutz der Minderjährigen, Zeitsokrift*, x., 261.

[4] *Gaius*, iv., 139.

VI. It is stated that the prætors would sometimes vary their edicts in the course of the year; and as this was occasionally done through favor or enmity, it was forbidden, first by a decree of the senate, B.C. 169, and afterward by a law which C. Cornelius got passed, B.C. 67.[1] This gave to the edict a character of greater stability; and the Roman lawyers began to study them with particular attention,[2] and to comment upon them;[3] and a large part of their writings had for their object the exposition of the legal principles contained in them. Under the Emperor Hadrian, the edicts of the prætors were collected and arranged by Salvius Julianus, a distinguished jurist, under the name of *Edictum Perpetuum*, and from this time the progressive development of the Roman law by the prætors' edict ceased. The constitutions and rescripts of the emperors now supplied the place of the edict.

3. *Form of proceeding before the Prætor.*

I. When the prætor administered justice, he sat on a *sella curulis*, placed on a *Tribunal*, or a kind of stage or scaffold, and having a sword and a spear set upright before him. The tribunal at first was made of wood, and movable,[4] and was large enough to contain the *Assessores*, or council of the prætor, as well as others.[5] It was in the form of a square, as appears from ancient coins. But when *Basilicæ* were erected, and courts of justice held in them (page 12), the tribunal seems to have been of stone, and in the form of a semicircle,[6] the two ends of which were called *Cornua*, or *Partes primores*.[7]

II. The Judices, or jury, appointed by the prætor, sat on lower seats, called *subsellia*,[8] as did also the advocates,[9] witnesses,[10] and hearers,[11] whence *subsellia* is put for the act of judging or of pleading. The inferior magistrates, when they sat in judgment, did not use a tribunal, but only *subsellia*; as the tribunes, plebeian ædiles, &c. The benches on which the senators sat in the senate house were likewise called *subsellia*, and so, also, the seats in the theatres, circus, &c. Hence *bis septena subsellia*,[12] the seats of the Equites.

III. In matters of less importance, the prætor decided and adjudged without any form, at any time or in any place, whether sitting or walking, and he was then said to decide or act *e plano*, or *ex*

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[1] *Ascon. in Orat. Cic. pro Corn.*; *Dion Cass.*, xxxvi., 22, 23.
[2] *Cic., de Leg.*, i., 5.
[3] *Gell.*, xiii., 10.
[4] *Cic., in Vat.*, 14; *Suet., Cæs.*, 84.
[5] *Cic., de Orat.*, i., 37; *Brut.*, 84.
[6] *Vitruv.*, v., 1.
[7] *Tacit., Ann.*, i., 75; *Suet., Tib.*, 33.
[8] *Cic., pro Rosc. Am.*, 11.
[9] *Cic., de Orat.*, i., 62.
[10] *Cic., pro Flacc.*, 10.
[11] *Cic., Brut.*, 84; *Suet., Aug.*, 56.
[12] *Martial*, v., 28.

æquo loco,[1] which terms are opposed to *e tribunali*, or *ex superiore loco*. For instance, he could in certain cases give validity to an act of manumission when he was out of doors, as on his way to the bath or the theatre.

IV. The usual attendants (*ministri, apparitores*) of the prætor, besides the lictors, were the *Scribe*, who seconded his proceedings,[2] and the *accensi*, who summoned persons, and proclaimed the time of day, when it was the third hour, the sixth hour, and the ninth hour, or nine o'clock in the morning, mid-day, and three o'clock in the afternoon.[3]

4. *Number of Prætors at different Times.*

I. While the Roman sway was limited to Italy, there were only two prætors. When Sicily and Sardinia were reduced to the form of provinces, B.C. 227, two other prætors were added to govern them;[4] and two more when the two provinces of Hither and Farther Spain were formed, B.C. 197.[5] Of these six prætors two only remained in the city; the other four, immediately after having entered on their office, set out for their provinces. The senate determined the provinces of the prætors, which were then distributed among them by lot or by agreement. After the discharge of his judicial functions in the city, a prætor often had the administration of a province with the title of proprætor, and sometimes with the title of proconsul.

II. The *Prætor Urbanus* and *Peregrinus* administered justice only in private and minor causes; but in public and important ones, the people either judged themselves, or appointed persons, one or more, to preside at the trial. The prosecution in these cases was conducted by public accusers, two in number, called *quæstores parricidii*, who also carried the sentence, if there were any, into execution. Sometimes a dictator was created for holding trials.

III. But in B.C. 150, it was determined that the *Prætor Urbanus* and *Peregrinus* should continue to exercise their usual jurisdictions, and that the four other prætors should, during their magistracy, also remain in the city, and preside at public trials; one, namely, at trials for extortion (*de repetundis*); another, concerning bribery (*de ambitu*); a third, concerning crimes committed against the state (*de majestate*); and a fourth, about defrauding the public treasury (*de peculatu*). These were called *Quæstiones Perpetuæ*,[6] because they were annually assigned to particular prætors, who always conducted them for the whole year (*qui perpetuo exercebant*), according

[1] *Cic., Ep. ad Fam.*, iii., 8. [2] *Cic., in Verr.*, iii., 78. [3] *Varro, L. L.*, v., 9.
[4] *Liv., Epit.*, 20. [5] *Liv.*, xxxii., 27, 28. [6] *Cic., Brut.*, 26.

to a certain form prescribed by law; so that there was no need, as formerly, of making a new law, or of appointing commissioners to preside at them, who should resign their authority when the trial was ended. But still, when any thing unusual or atrocious happened, the people or senate judged about the matter themselves, or appointed commissioners to preside at the trial; and then they were said *extra ordinem quærere;* as in the case of Clodius for violating the sacred rites of the *Bona Dea*,[1] and that of Milo for the murder of Clodius.[2]

IV. Sulla increased the number of the *Quæstiones Perpetuæ* by adding those *de falso, vel de crimine falsi*, concerning forgers of wills or other writings, coiners or makers of false money, &c.; *de Sicariis et Veneficis*, about such as killed a person with weapons or poison; and *de Parricidis;* and for this purpose he added two, or, according to some accounts, four prætors, for the accounts of Pomponius and of other writers do not agree on this point. On all these occasions of the *Quæstiones Perpetuæ*, both before and after the time of Sulla, the prætor presided, but a body of judices determined by a majority of votes the condemnation or acquittal of the accused.

V. Julius Cæsar increased the number of prætors, first to ten, then to fourteen, and afterward to sixteen. Augustus, after several changes, fixed the number at twelve. Under Tiberius there were sixteen. Two prætors were appointed by Claudius for the cognizance of trusts. The number then was eighteen, but afterward it varied.

Jan. 13, 1852

III. CENSORS.

1. *Origin and continuance of the Censorship.*

I. Two magistrates were first created at Rome in B.C. 443, to take an account of the number of the people and the value of their fortunes, or, in other words, to hold the census (*censui agendo*), whence they were called *Censores*. Previous to that year the census had been held by the kings, consuls, or military tribunes with consular power.

II. The ostensible reason for instituting the office in B.C. 443 was, that the consuls were too much occupied by war and other matters to conduct the census; but this was not the real reason. The office of military tribunes with consular power, who supplied the place of consuls, had been instituted the year before, and was open to the plebeians as well as the patricians; and since the latter were anxious to curtail as much as possible the power which had been given to the plebeians, they intrusted the discharge of the

[1] *Cic., ad Att.*, i., 13, &c. [2] *Cic., pro Mil.*

censorial functions to two new magistrates, two censors, who were to be exclusively patricians.

III. For a considerable period this dignity was held by patricians only, and the first plebeian censor was C. Marcius Rutilus,[1] in B.C. 351. It now became a rule that one of the censors should always be a plebeian.[2] In later times, when the distinction between patricians and plebeians ceased to be of importance, it even happened occasionally that both censors were plebeians, the first instance of which occurred in B.C. 131, when Q. Cæcilius Metellus and Q. Pompeius Rufus were censors.[3]

IV. Censors continued to be elected down to the end of the republic, until Augustus, under the title of *Præfectus Morum*, undertook himself the functions of the censors, although occasionally he transferred some of them to other persons. Tiberius and Caligula likewise took the title of *Præfectus Morum;* but Claudius assumed that of censor, and made Vitellius his colleague,[4] A.D. 48. Vespasian, Titus, and Nerva followed his example, and Domitian even assumed the title of *Censor Perpetuus*.[5] Trajan and the later emperors only took it for the time that they were actually engaged in holding the census. The Emperor Decius made an attempt to restore the censorship, and at his command the senate elected Valerianus censor;[6] but the example was not followed, and we afterward hear no more of censors.

2. *Power and Duties of the Censors.*

I. The office of censor lasted at first for a *lustrum*, that is, for five years;[7] but in B.C. 335 the dictator L. Mamercus Æmilius carried a law (*lex Æmilia*) which limited the period of office to eighteen months,[8] so that, during the remaining three years and a half of each lustrum, no censors existed at all, for censors continued to be elected only every five years.

II. The censorship was considered the highest dignity in the republic, partly on account of its connection with religion, and partly on account of the great importance of its functions; hence it was usually the last in the series of offices through which Roman statesmen passed, most men having been consuls before they aspired to the censorship. For the same reason, it was not customary for any one to hold the office more than once. If one of the censors died during the period of his office, the vacancy was not filled up, as the death of a censor was regarded in the light of an evil omen; but

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[1] *Liv.*, vii., 22. [2] *Id.*, viii., 12. [3] *Id.*, *Epit.*, 59.
[4] *Suet.*, *Claud.*, 16; *Tac.*, *Ann.*, xii., 4. [5] *Dion Cass.*, liii., 18.
[6] *Trebell. Pollio*, *Valer.*, i., 2. [7] *Liv.*, iii., 22; iv., 8. [8] *Id.*, iv., 24; ix., 33.

the survivor was obliged to resign his consulship, and two new censors were elected. This superstitious observance is said to have arisen from the circumstance that a censor died, and another was chosen in his place, in that *lustrum* in which Rome was taken by the Gauls.[1]

III. The censors were elected at the *comitia centuriata*,[2] and not at the *curiata*, because the censors had no *imperium*, which no assembly but that of the *curiæ* could have given them. The censors had only the *Jus censendi*, of which all their other rights were merely the necessary results.

IV. It is not known whether the censors had any outward distinctions in their dress, for the purple robes mentioned by Polybius[3] were probably worn by them only in the earliest times, and afterward we hear simply of the *toga prætexta*. Nor is there any ground for supposing that the censors had lictors like the consuls; but their numerous and extensive functions, which had to be performed in the short period of eighteen months, required a great number of other attendants, such as *scribæ*, *viatores*, &c.

V. The functions of the censors were of three distinct kinds: 1. *The holding of the census*, which was their principal and original function, and from which they received their official name. An account of the manner of holding the *census* will presently be given: 2. *The superintending of public morals*: 3. *The administration of the finances*.

VI. *The second division of their functions*, just mentioned, consisted in a kind of moral jurisdiction, for they had the right of censuring and punishing every thing that was contrary to good conduct or established custom, while really illegal acts or crimes were punished by the ordinary courts of justice. This moral jurisdiction appears to have formed part of the censorial functions from the very first, inasmuch as it was their duty, in holding the census, to take note of all cases in which a man managed his affairs badly, and thus reduced his property, and they had consequently to remove him from a higher and place him in a lower class of citizens. Thus we have instances of their censuring or punishing persons for not marrying, for breaking a promise of marriage, for divorce, for bad conduct during marriage, for improper education of children, for living in an extravagant and luxurious manner, and for many other irregularities in private life. Their influence was still more powerful in matters connected with the public life of the citizens. Thus we find them censuring or punishing magistrates who were forgetful of the dignity of their

[1] *Liv.*, v., 31; vi., 27; ix., 34; xxiv., 43.
[2] *Gell.*, xiii., 15; *Liv.*, xl., 45.
[3] *Polyb.*, vi., 53.

office, or guilty of bribery, as well as persons who were guilty of improper conduct toward magistrates, of perjury, and of neglect of their duties in both civil and military life. Under the latter head would be ranked the case of an eques who had not taken proper care of his public horse.

VII. This moral jurisdiction of the censors was commonly exercised at the time when the census was held. On this occasion they reviewed both the senate and equites, and inflicted various marks of disgrace on those who deserved it. A senator they expelled from the senate, and according as his conduct was more or less culpable, they had even the right of degrading him to the condition of an *eques* or an *ærarius*. When a person was made an *ærarius*, he was deprived of all his rights and privileges as a citizen, except that of freedom, and yet was compelled to pay a capitation tax in common with the rest; sometimes even the valuation of his property was made much greater than it really was, in order that his tax might be proportionately increased. Thus *Censores Mamercum, qui fuerat dictator, tribu moverunt, octuplicatoque censu ærarium fecerunt*,[1] that is, they made the valuation of his estate eight times more than it really was, that then he might be obliged to pay an eight times higher tax.

VIII. An eques might be punished by the censors by being obliged to give up his public horse, and this punishment might be accompanied by his being compelled to serve in the army on foot, or by his being excluded from his tribe. So, again, any other citizen might be punished by removal from a more honorable to a less honorable tribe, as, for instance, from a rustic to a city one, or he might be excluded from all the tribes and made an *ærarius*, as above.

IX. When any person thought that the punishment inflicted by the censors was undeserved, he might try to justify himself before them (*causam agere apud censores*),[2] and if he did not succeed, he might try to gain the protection of one of the censors, that he might intercede on his behalf. Such cases often gave rise to vehement disputes between the censors. A further appeal was not legal, although it was tried in some instances, especially by inducing the tribunes of the people to interfere.

X. The punishment inflicted by a censor differed from that imposed by a court of law, inasmuch as a censor could not deprive a person of either his life or his property, but could only affect his status in society. The proper name for such a punishment is in general *nota*, or *nota censoria*, and, in particular, *ignominia* or *infamia*. Such a punishment, moreover, did not necessarily last during

[1] *Liv.*, iv., 24. [2] *Varro, R. R.*, i., 7.

a man's whole life; but, if his conduct improved, another censor might restore him to the position from which his predecessor had removed him.

XI. *Another branch of the censorial functions* had reference to the finances. As the censors were best acquainted with the property of the citizens, and consequently with the amount of taxes they had to pay to the state, and as they had to fix the *tributum*,[1] or state tax, they were the fittest magistrates to manage the finances, which were under the supreme control of the senate, so that the censors were, in fact, the ministers of finance to the senate. Every thing which belonged to the state, and from which it derived revenues, was let out to farm by the censors; among these we may mention the *ager publicus, ager vectigalis*, mines, tolls, salt-works, &c.

XII. The censors farther had the superintendence of all public buildings;[2] and when new ones were to be erected, they gave them in contract (*locabant*) to the lowest bidder, and afterward they had to see that the contractor had fulfilled his obligations, and done his work in the proper way. In like manner, they gave in contract every thing else that had to be paid out of the state treasury, such as the paving of streets, the working of roads, bridges, aqueducts, &c., even down to the maintenance of the Capitoline geese[3] and the painting of the statues of the gods. The senate always informed them of the sums they might lay out,[4] and the actual payment was not made by the censors, but by the quæstors or paymasters.

XIII. The acts of the censors were registered in public documents; and the purity which was required in those who filled the office is indicated by the circumstance that those documents were preserved in the temple of the Nymphs.

3. *Manner of holding the Census.*

I. The *census* at Rome was a numbering of the people and a valuation of their property. It was always held in the *Campus Martius*, and from the year B.C. 435, in a special building called *Villa Publica*, which was erected for that purpose by the second pair of censors, C. Furius Pacilus and M. Geganius Macerinus.[5] An account of the formalities with which the census was opened is given in a fragment of the *Tabulæ Censoriæ*, preserved by Varro.

II. After the auspices had been taken, the citizens were summoned by a public crier to appear before the censors. Each tribe was called up separately.[6] Every paterfamilias had to appear in

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[1] *Liv.*, xxxix., 44. [2] *Liv.*, xxiv., 18; xxix., 37; xlii., 3; xlv., 15.
[3] *Plut., Quæst. Rom.*, 98; *Plin., H. N.*, x., 22.
[4] *Polyb.*, vi., 13; *Liv.*, xl., 46; xliv., 16. [5] *Id.*, iv., 22. [6] *Dionys.*, v., 75.

person before the censors, who were seated in their curule chairs; and those names were taken first which were considered to be of good omen, such as *Valerius*, *Salvius*, *Statorius*,[1] &c.

III. The census was conducted *ad arbitrium censoris;* but the censors laid down certain rules,[2] in which mention was made of the different kinds of property subject to the census, and in what way their value was to be estimated. According to these laws, each citizen had to give an account of himself, of his family, and of his property upon oath, *ex animi sententia.*[3] First, he had to give his full name, and that of his father; or, if he were a freedman, that of his patron, and he was likewise obliged to state his age. If married, he had to give the name of his wife, and likewise the number, names, and ages of his children, if any. Single women and orphans were represented by their *tutores*, or guardians; their names were entered in separate lists, and they were not included in the sum total of *capita.*[4]

IV. At first each citizen appears to have merely given the value of his whole property in general, without entering into details;[5] but it soon became the practice to give a minute specification of each article, as well as the general value of the whole.[6] Land formed the most important article in the census; but public land, the *possessio* of which only belonged to a citizen, was excluded. Slaves and cattle formed the next important item. The censors also possessed the right of calling for a return of such objects as had not usually been given in, such as clothing, jewels, and carriages; and on one occasion they made an extravagant surcharge on such articles of luxury. The tax (*tributum*) was usually one per thousand upon the property entered in the books of the censors.

V. A person who voluntarily absented himself from the census, and thus became *incensus*, or not rated, was subject to the severest punishment. Servius Tullius is said to have threatened the *incensus* with imprisonment and death;[7] and in the republican period he might be sold by the state as a slave.[8] In the later times of the republic, a person who was absent from the census might be represented by another, and thus be registered by the censors.

VI. After the censors had received the names of all the citizens, with the amount of their property, they then had to make out the lists of the tribes, and also of the classes and centuries; for, by the legislation of Servius Tullius, the position of each citizen in the

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1 *Festus, s. v. Lacus Lucrinus.*
2 *Liv.*, iv., 8; xxix., 15.
3 *Dionys.*, iv., 15; *Liv.*, xliii., 15.
4 Compare *Liv.*, iii., 3; *Epit.*, 59.
5 *Dionys.*, iv., 15; *Cic., de Leg.*, iii., 3.
6 *Cic., pro Flacc.*, 32; *Gell.*, vii., 11.
7 *Liv.*, i., 44.
8 *Cic., pro Caecin.*, 34.

state was determined by the amount of his property. (*Vid. Comitia Centuriata.*) Besides the arrangement of the citizens into tribes, centuries, and classes, the censors had also to make out the lists of the senators for the ensuing *lustrum*, or until new consuls were appointed; striking out the names of such as they considered unworthy, and making additions to the body from those who were qualified. To this we have already alluded, as well as to the review made at the same time of the *equites* and of the citizens generally. After the censorial lists had been completed, the number of citizens was counted up, and the sum total announced. The citizens in such enumeration are spoken of as so many *capita*, sometimes with the addition of *civium*, and sometimes not; and hence to be registered in the census was the same thing as *caput habere*.

VII. After the censors had performed their various duties, and taken the census, the *lustrum*,[1] or solemn purification of the people, followed. As this purification took place only once in five years, the word *lustrum* was also used to designate the time between two *lustra* or purifications. The expiatory sacrifice, on this occasion, consisted of a boar-pig, a sheep, and an ox, which were first carried round the whole assembly and then slain, and thus the people were said to be purified (*lustrari*).[2] The sacrifice was called *Suovetaurilia* or *Solitaurilia*.[3] When the censors entered on their office, they drew lots to see which of them should perform this purification (*lustrum facere* or *condere*);[4] but both censors were obliged, of course, to be present at the ceremony. A census, however, might take place without the *lustrum*, and, indeed, two cases of this kind are recorded, which happened in B.C. 459 and 214. In these cases the lustrum was not performed on account of some great calamities which had befallen the republic.

VIII. A census was sometimes taken in the provinces, even under the republic;[5] but there seems to have been no general census taken in the provinces till the time of Augustus. This emperor caused an accurate account to be taken of all persons in the Roman dominions, together with the amount of their property;[6] and a similar census was taken from time to time by succeeding emperors, at first every ten, and subsequently every fifteen years.[7] The emperor sent into the provinces especial officers to take the census, who were called *censitores*;[8] but the duty was sometimes discharged by

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[1] *Festus, s. v.* [2] *Liv.*, i., 44; *Varro, R. R.*, ii., 1. [3] *Dionys.*, iv., 22.
[4] *Cic., de Divin.*, i., 45. [5] *Cic., Verr.*, ii., 53, 56.
[6] *Ev. Lucæ*, ii., 1, 12; *Joseph., Ant. Jud.*, xvii., 13, 5; xviii., 1, 1.
[7] *Savigny, Röm. Steuerv. in Zeitschrift*, vol. vi., p. 375, *seqq.*
[8] *Dig.*, 50, tit. 15, s. 4, § 1; *Cassiod., Var.*, ix., 11; *Orelli, Inscript.*, No. 3652.

the imperial *legati*.[1] The *censitores* were assisted by subordinate officers called *Censuales*, who made out the lists, &c.[2]

IX. At Rome the census still continued to be taken under the empire, but the old ceremonies connected with it were no longer continued, and the ceremony of the lustration was not performed after the time of Vespasian. Jan. 14, 1852.

IV. TRIBUNES OF THE COMMONS.

1. *Institution, Original Power, and Number of the Tribunes.*

I. The word *Tribunus* seems originally to have indicated an officer connected with a tribe (*tribus*), or who represented a tribe for certain purposes; in other words, the head of a tribe. Hence we have *tribuni plebis*, or tribunes (heads) of the plebeian tribes, long before the creation of the magistrates specially known by this name. N'U

II. These ancient tribunes of the plebeian tribes had undoubtedly the right of convoking the meetings of their tribes, and of maintaining the privileges granted to them by King Servius, and subsequently by the Valerian laws. But this protection was very inadequate against the insatiable ambition and usurpations of the patricians. When, therefore, the plebeians, impoverished by long wars, and cruelly oppressed by the patricians, at last seceded, in B.C. 494, to the *Mons Sacer*, the patricians were obliged to grant to the plebeians the right of appointing tribunes with more efficient powers to protect their own order than those which were possessed by the heads of the tribes.

III. This is the origin of the tribunes of the commons (*Tribuni plebis*), a magistracy which afterward became so famous in Roman history, and exercised so important an influence on the administration of the state. The purpose for which they were appointed was only to afford protection against any abuse on the part of the patrician magistrates; and, therefore, in order that they might be able to afford such protection, their persons were declared sacred and inviolable (*sacrosancti*), and it was ordained that whoever acted against this inviolability should be an outlaw, and that his property should be forfeited to the temple of Ceres.[3] Some time after the tribuneship was instituted, heavy punishments were again enacted against those who should venture to annoy a tribune when he was making any proposition to the assembly of the tribes.

IV. The tribunes were thus enabled to afford protection to any one who appealed to the assembly of the commons, or required any

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[1] *Tac.*, *Ann.*, i., 31; ii., 6.

[2] *Capitol.*, *Gordian.*, 12; *Symmach.*, *Ep.*, x., 43; *Cod. Theod.*, 8, tit. 2.

[3] *Liv.*, ii., 33; *Dionys.*, vi., 89.

other assistance. They were essentially the representatives and the organs of the plebeian order, and their sphere of action was the *comitia tributa*. With the patricians and their comitia they had nothing to do. The tribunes themselves, however, were not judges, and could inflict no punishments, but could only propose the imposition of a fine to the commonalty (*multam irrogare*).

V. The tribunes were thus, in their origin, only a protecting magistracy of the *plebs*; but in the course of time their power increased to such a degree that it surpassed that of all other magistrates, and the tribunes then, as Niebuhr remarks, became a magistracy for the whole Roman people, in opposition to the senate and the oligarchical elements in general, although they had nothing to do with the administration of the government. During the latter period of the republic they became true tyrants; but still, notwithstanding the great and numerous abuses which were made of the tribunitian power by individuals, the greatest historians and statesmen confess that the greatness of Rome and its long duration is in a great measure attributable to the institution of this office.

VI. As regards the number of the tribunes of the commons, all the ancient writers agree that at first there were only two,[1] though the accounts differ as to the names of the first tribunes. Soon afterward, however, the number was increased to five, one being taken from each of the five classes.[2] When this increase took place is quite uncertain. Subsequently, in B.C. 457, the number was still farther increased to ten, two being then taken from each of the five classes.[3] This number appears to have remained unaltered down to the end of the empire.

2. *Tribunes, when and where chosen, &c.*

I. The tribunes entered upon their office on the 10th of December,[4] the day when the first tribunes of the commons were chosen, but they were elected, at least in the time of Cicero, on the 17th of July.[5] None but plebeians were eligible, and hence when, toward the end of the republic, patricians wished to obtain the office, they were obliged first to renounce their own order and to become plebeians.

II. It is doubtful whether the tribunes of the commons were at first chosen at the *comitia centuriata* or *tributa*, although the latter appears the more natural supposition. After the time, however, of the *lex Publilia*, in B.C. 472, the election of tribunes was left en-

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[1] *See the passages in Niebuhr*, vol. i., n. 1356.

[2] *Ascon. in Cic., Corn.*, p. 56, *ed. Orelli*; *Zonar.*, vii., 15.

[3] *Liv.*, iii., 30; *Dionys.*, x., 30. [4] *Dionys.*, vi., 89. [5] *Cic., ad Att.*, i., 1.

tirely to the *comitia tributa*,[1] which were convoked for this purpose by the old tribunes previously to the expiration of their office, and one of their number was chosen by lot to preside.

III. As the meeting could not be prolonged after sunset, and the business was to be completed in one day, it sometimes happened that it was obliged to break up before the election was completed, and that those who were elected filled up the legitimate number of the college by *co-optatio*.[2] But, in order to prevent this irregularity, the tribune L. Tribonius, in 448 B.C., got an ordinance passed, according to which the college of the tribunes should never be completed by *co-optatio*, but the elections should be continued on the second day, if they were not completed on the first, till the number ten was made up.[3]

IV. The place where the election of the tribunes was held was originally and lawfully the *Forum*, afterward, also, the *Campus Martius*, and sometimes the area of the Capitol.

V. The tribunes wore no *toga prætexta*, nor had they any external marks of dignity, except a kind of beadle, called *viator*, who went before them. When they administered justice, they had no tribunal, but sat on *subsellia* or benches. They had, however, on all occasions a right of precedency, and every one was obliged to rise in their presence.[4] And yet their power at no time extended farther than one mile beyond the gates of the city.

3. *Gradual Growth of the Tribunitian Power.*

I. Although the tribunitian power was, in its original character, merely protection against patrician magistrates, the plebeians appear early to have regarded their tribunes also as mediators or arbitrators in matters among themselves.[5] The whole power possessed by the college of tribunes was called *tribunicia potestas*, and, as just remarked, extended at no time farther than one mile beyond the gates of the city; at a greater distance than this they came under the *imperium* of the magistrates, like every other citizen.[6]

II. As they were the public guardians, it was necessary that every one should have access to them, and at any time; hence the doors of their houses were open day and night for all who were in need of help and protection, which they were empowered to afford against any one, even against the highest magistrates. For the same reason, a tribune was not allowed to be absent from the city

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[1] *Liv.*, ii., 56; *Dionys.*, x., 41.
[2] *Liv.*, iii., 64.
[3] *Liv.*, iii., 64, 65; v., 10. Compare *Niebuhr*, ii., p. 383.
[4] *Plin.*, *Ep.*, i., 23.
[5] *Lydus, de Magistr.*, i., 38, 44; *Dionys.*, vii., 58.
[6] *Liv.*, iii., 20; *Dionys.*, viii., 87.

for a whole day, except during the *Feriæ Latinæ*, when the whole people were assembled on the Alban Mount.[1]

III. In the year 456 B.C., the tribunes, in opposition to the consuls, assumed the right to convoke the senate, in order to lay before it a rogation or bill, and discuss the same;[2] for until that time the consuls alone had the right of laying *plebiscita* before the senate for approbation. From the second decemvirate the tribuneship was suspended, but was restored after the decemviral legislation was completed, and now assumed a different character from the change that had taken place in the tribes.

IV. The tribunes now had the right to be present at the deliberations of the senate,[3] but they did not sit among the senators themselves, but upon benches before the open doors of the senate house.[4] The inviolability of the tribunes, which had before only rested upon a contract between the two estates, was now sanctioned and confirmed by a law of M. Horatius.[5] As the tribes now also included the patricians and their clients, the tribunes might naturally be asked to interpose on behalf of any citizen, whether patrician or plebeian. Hence the patrician ex-decemvir, Appius Claudius, implored the protection of the tribunes.[6]

V. About this time the tribunes also acquired the right of taking the auspices in the assemblies of the tribes.[7] They also assumed again the right, which they had exercised before the time of the decemvirate, of bringing patricians who had violated the rights of the plebeians before the comitia of the tribes.[8] By the *lex Valeria*, moreover, passed in the *comitia centuriata*, B.C. 449, it was enacted that a plebiscitum which had been voted by the tribes should bind the patricians as well.

VI. While the college thus gained outwardly new strength every day, a change took place in its internal organization which to some extent paralyzed its powers. Before B.C. 394, every thing had been decided in the college by a majority;[9] but about this time, we do not know how, a change was introduced which made the opposition (*intercessio*) of one tribune, expressed by the simple word *Veto*, sufficient to render a resolution of his colleagues void.[10] This new regulation does not appear in operation till 394 and 393 B.C.;[11] the old one was still applied in B.C. 421 and 415.[12]

VII. From their right of appearing in the senate, and of taking

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[1] *Macrob.*, *Sat.*, i., 3. [2] *Dionys.*, x., 31, 32. [3] *Liv.*, iii., 69; iv., 1.
[4] *Val. Max.*, ii., 2, 7; *Hofmann, der Röm. Senat*, p. 109, *seqq.*
[5] *Liv.*, iii., 55. [6] *Id.*, iii., 56. Compare viii., 33, 34; *Niebuhr*, ii., p. 374.
[7] *Zonaras*, vii., 19. [8] *Liv.*, iii., 56, &c.; iv., 44; v., 11.
[9] *Liv.*, ii., 43, 44; *Dionys.*, ix., 1, 2, 41; x., 31. [10] *Zonaras*, vii., 15.
[11] *Liv.*, v., 25. [12] *Liv.*, iv., 42. Compare *Niebuhr*, ii., p. 438.

part in its discussions, and from their being the representatives of the whole people, the tribunes gradually obtained the right of intercession against any action which a magistrate might undertake during the time of his office, and this even without giving any reason for it.[1] Thus we find a tribune preventing a consul from convoking the senate,[2] and preventing the proposal of new laws, or elections, in the comitia;[3] they interceded against the official functions of the censors,[4] and even against a command issued by the prætor.[5] In the same manner, a tribune might place his veto upon an ordinance of the senate;[6] and he could thus either compel the senate to submit the subject to a fresh consideration, or could raise the session.[7] In order to propose a measure to the senate, they might themselves convene a meeting of that body,[8] or, when it had been convened by a consul, they might make their proposal even in opposition to the consul, a right which no other magistrate had in the presence of the consuls. The senate, on the other hand, had itself, in certain cases, recourse to the tribunes. Thus, in B.C. 431, it requested the tribunes to compel the consuls to appoint a dictator, in compliance with a decree of the senate; and the tribunes compelled the consuls, by threatening them with punishment, to appoint A. Postumius Tubertus dictator.[9]

VIII. In their relation to the senate, a change was introduced by the *plebiscitum Atinium*, which ordained that a tribune, by virtue of his office, should be a senator.[10] But as the quæstorship, at least in later times, was the office which persons held previously to the tribuneship, and as the quæstorship itself conferred upon a person the right of a senator, the law of Atinius was in most cases superfluous.

IX. In their relation to other magistrates, we may observe that the right of *intercessio* was not confined to stopping a magistrate in his proceedings, but they might even command their *viatores* to seize a consul or a censor, to imprison him, or to throw him from the Tarpeian rock.[11] When the tribunes brought an accusation before the people against any one, they had the right of *prehensio*, but not the right of *vocatio*, that is, they might command a person to be dragged by their *viatores* before the comitia, but they could not summon him. They might, as in earlier times, propose a fine to be in-

[1] *Appian., Bell. Civ.*, i., 23.
[2] *Polyb.*, vi., 16.
[3] *Liv.*, vi., 35; vii., 17; x., 9; xxvii., 6.
[4] *Dion Cass.*, xxxvii., 9; *Liv.*, xliii., 16.
[5] *Liv.*, xxxviii., 60; *Gell.*, vii., 19.
[6] *Polyb.*, vi., 16; *Dion Cass.*, xli., 2.
[7] *Cæs., Bell. Civ.*, i., 2; *Appian., Bell. Civ.*, i., 29.
[8] *Gell.*, xiv., 7.
[9] *Liv.*, iv., 26.
[10] *Gell.*, xiv., 8; *Zonar.*, vii., 15.
[11] *Liv.*, ii., 56; iv., 26; v., 9; ix., 34; *Epit.*, 48, 55, 59; *Cic., de Leg.*, iii., 9; *Dion Cass.*, xxxvii., 50.

flicted upon the person accused before the comitia, but in some cases they dropped this proposal, and treated the case as a capital one.[1] The college of tribunes had also the power of making edicts.

X. In cases in which one member of the college opposed a resolution of his colleagues, nothing could be done, and the measure was dropped; but this useful check was removed by an example of Tiberius Gracchus, in which a precedent was given for proposing to the people that a tribune obstinately persisting in his veto should be deprived of his office.[2]

XI. From the time of the Hortensian law in B.C. 286, which made the plebiscita binding on the whole nation, the power of the tribunes had been gradually rising to such a height that at length it was superior to every other in the state. They had acquired the right of proposing to the *comitia tributa* or the senate measures on nearly all the important affairs of the state, and it would be endless to enumerate the cases in which their power was manifested. A blow was subsequently given to it by Sulla, who, in his reform of the constitution on the early aristocratic principles, left the tribunes only the *jus auxiliandi*, and deprived them of the right of making legislative or other proposals, either to the senate or the comitia, without having previously obtained the sanction of the senate. But this arrangement did not last, for Pompey restored to them their former rights.[3]

During the empire the college of tribunes continued to exist; and in the reign of Augustus, comitia for the election of tribunes were still held, although the freedom of election gradually disappeared. The political influence of the tribunes also sank rapidly,[4] and even at an early period of the empire we find it almost confined to intercession in decrees of the senate, and to protecting oppressed or injured individuals.[5] Tribunes, however, continued to exist down to the fifth century of our era; and though their power was much limited, they still continued to be looked upon as the protectors of the weak and injured, which made their office one of great moral importance. For this reason, as well as for the purpose of having a check upon the college, the emperors, although patricians, found it necessary to be tribunes. In fact, the office of the tribune, all the other magistrates being united in one person, was the only thing that was wanting to complete the sovereign power of the emperor. In B.C. 31, Augustus received the office of tribune for life, and, at intervals of five years, he himself appointed one of his friends or relatives as his colleague in the

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[1] *Liv.*, viii., 33; xxv., 4; xxvi., 3.

[2] *Appian.*, *Bell. Civ.*, i., 12; *Plut.*, *Tib. Gracch.*, 11, 12, 15; *Cic.*, *de Leg.*, iii., 10; *Dion Cass.*, xxxvi., 13.

[3] *Zachariæ*, *L. Corn. Sulla, als Ordner des Röm. Freistaates*, ii., p. 12, *seqq.*

[4] *Tacit.*, *Ann.*, iii., 28.

[5] *Id. ib.*, xvi., 26; *Hist.*, ii., 91; iv., 9; *Plin.*, *Epist.*, i., 23; lx., 13.

tribunate.[1] This *tribunicia potestas* of an emperor was conferred upon him by the senate, and was justly deemed equivalent to regal or dictatorial power with a popular name.[2] The example of Augustus was followed by his successors, and the *tribunicia potestas* became an essential part of the imperial dignity, and was finally established as such by the *Lex de Imperio Vespasiani*.[3] One great advantage connected with it was, that it rendered the person of the emperor sacred and inviolable, so that, as already remarked, it became a capital crime (*crimen majestatis*) to injure him in word or deed. Under tyrannical emperors this served as a pretext for cutting off numbers of the first men in the state.

V. ÆDILES.

I. The *Ædiles* are said to have been so called from their originally having the care of the temple (*ædes*) of Ceres, which constituted at one time the place of deposit for the decrees of the senate, and was under their special guardianship.

II. The ædiles were of two kinds, *Plebeian* and *Curule*.

III. Two *Plebeian Ædiles* (*Ædiles Plebeii*) were first created B.C. 494, the same year with the tribunes of the commons. They were chosen, as their name imports, from the plebeians, and their duties at first seem to have been merely ministerial. They were the assistants of the tribunes in such matters as the latter intrusted to them, among which are enumerated the hearing of causes of minor importance.[4]

IV. At an early period after their institution (B.C. 446), or, according to some, simultaneously with their first creation, we find them appointed the keepers of the decrees of the senate, which the consuls had hitherto arbitrarily suppressed or altered.[5] They were also the keepers of the plebiscita. Other functions were gradually intrusted to them, and it is not always easy to distinguish their duties from some of those which belonged to the censors.

V. They had the superintendence of buildings both public and private,[6] from which circumstance some derive their name (*Ædiles, a cura ædium*). Under this power they provided for the support and repair of temples, curiæ, &c., and took care that private buildings which were in a ruinous state were repaired by the owners or pulled down. The care of the streets or pavements, also, with the cleansing and draining of the city, belonged to the ædiles, and, of course, the care of the *cloacæ*. They had likewise the office of distributing corn among the plebs, but this distribution of corn at Rome must not be confounded with the duty of purchasing or procuring it from

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1 *Sueton.*, *Aug.*, 27, 40; *Tib.*, 9.
2 *Tacit.*, *Ann.*, i., 2; iii., 56.
3 *Sueton.*, *Tib.*, 23; *Vesp.*, 12; *Tit.*, 6.
4 *Dionys.*, vi., 90.
5 *Liv.*, iii., 55.
6 *Cic.*, *de Leg.*, iii., 3.

foreign parts, which was performed by the consuls, quæstors, and prætors, and sometimes by an extraordinary magistrate, as the *præfectus annonæ*.

VI. The ædiles had, moreover, to see that the public lands were not improperly used, and that the pasture grounds of the state were not trespassed on; and they had power to punish by fine any unlawful act in this respect. They had a general superintendence over buying and selling, and, as a consequence, the supervision of the markets, of things exposed to sale, such as slaves, and of weights and measures; from this part of their duty is derived the name under which the ædiles are mentioned by the Greek writers (ἀγορανόμοι).

VII. It was their business, also, to see that no new deities or religious rites were introduced into the city; to look after the observance of religious ceremonies, and the celebration of the ancient feasts and festivals. The general superintendence of police comprehended the duty of preserving order, regard to decency, and the inspection of the baths and houses of entertainment. The ædiles had various officers under them, as *præcones*, *scribæ*, and *viatores*.

VIII. The *Curule Ædiles* were also two in number, and were originally chosen from the patricians alone, afterward alternately from the patricians and plebeians, and at last indifferently from both.[1]

IX. The office of curule ædiles was instituted B.C. 365, and, according to Livy, on the occasion of the plebeian ædiles refusing to consent to celebrate the *Ludi Maximi* for the space of four days instead of three; upon which a senatusconsultum was passed, by which two ædiles were to be chosen from the patricians. From this time four ædiles, two plebeian and two curule, were annually elected.[2]

X. The distinctive honors of the curule ædiles were the *sella curulis*, whence their title was derived, the *toga prætexta*, precedence in speaking in the senate, and the *jus imaginis*.[3] The curule ædiles only had the right of promulgating edicts;[4] but the rules comprised in their edicts served for the guidance of all the ædiles. The edicts of the curule ædiles were founded on their authority as superintendents of the markets, and of buying and selling in general. Accordingly, their edicts had mainly, or perhaps solely, reference to the rules as to buying and selling, and contracts for bargain and sale.

XI. The persons of both the plebeian and curule ædiles were *sacrosancti*.[5]

XII. It seems that after the appointment of the curule ædiles, the functions formerly exercised by the plebeian ædiles were discharged,

[1] *Liv.*, vii., 1. [2] *Id.*, vi., 42. [3] *Cic.*, *Verr.*, v., 14. [4] *Gaius*, i., 6. [5] *Liv.*, iii., 55.

with some few exceptions, by all the ædiles indifferently. Within five days after being elected or entering on office, they were required to determine by lot, or by agreement among themselves, what parts of the city each should take under his superintendence; and each ædile alone had the care of looking after the paving and cleaning of the streets, and other matters, it may be presumed, of the same local character, within his district.[1] The other duties of the office seem to have been exercised by them jointly.

XIII. In the superintendence of the public festivals or solemnities, there was a farther distinction between the two sets of ædiles. Many of these festivals, such as those of Flora[2] and Ceres, were superintended by either set of ædiles indifferently; but the plebeian games were under the superintendence of the plebeian ædiles,[3] who had an allowance of money for that purpose; and the fines levied on the *pecuarii*, or those who illegally made use of the public pastures, as well as on others, seem to have been appropriated to these, among other public purposes.[4] On the other hand, the celebration of the *Ludi Magni* or *Romani*, of the *Ludi Scenici*, or dramatic representations, and the *Ludi Megalesii*, belonged specially to the curule ædiles,[5] and it was on such occasions that they often incurred a prodigious expense, with a view of pleasing the people and securing their votes in future elections.

XIV. In B.C. 45, Julius Cæsar caused two curule ædiles and four plebeian ædiles to be elected; and thenceforward, at least so long as the office of ædile was of any importance, six ædiles were annually elected. The two new plebeian ædiles were called *Cereales*, and their duty was to look after a supply of corn. Though their office may not have been of any great importance after the institution of a *præfectus annonæ* by Augustus, there is no doubt that it existed for several centuries, and at least as late as the time of the Emperor Gordian.

XV. The ædiles belonged to the class of the *Minores Magistratus*. The plebeian ædiles were originally chosen at the *comitia centuriata*, but afterward at the *comitia tributa*,[6] in which comitia the curule ædiles also were chosen.[7] It appears that, until the *lex Annalis* was passed (B.C. 180), a Roman citizen might be a candidate for any office after completing his twenty-seventh year. This law fixed the age at which each office might be enjoyed,[8] and it seems that the age fixed for the ædileship was thirty-seven.

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[1] *Tabul. Heracl., ed. Mazoch.* [2] *Cic., Verr.*, v., 14; *Ovid, Fast.*, v., 278.
[3] *Liv.*, xxxi., 50. [4] *Id.*, x., 23; xxvii., 6; *Ovid., Fast.*, v., 278.
[5] *Liv.*, xxxi., 50. *and the Didascaliæ to the Plays of Terence.*
[6] *Dionys.*, vi., 90; ix., 43; *Liv.*, ii., 56. [7] *Plut., Marius*, 5. [8] *Liv.*, xl., 44.

The ædiles existed under the emperors; but their powers were gradually diminished, and their functions exercised by new officers created by the emperors. After the battle of Actium, Augustus appointed a *præfectus urbi*, who exercised the general police, which had formerly been one of the duties of the ædiles. Augustus also took from the ædiles, or exercised himself, the office of superintending the religious rites, and the banishing from the city of all foreign ceremonials; he also assumed the superintendence of the temples, and thus may be said to have destroyed the ædileship by depriving it of its old and original function. The last recorded instance of the splendors of the ædileship is the administration of Agrippa, who volunteered to take the office, and repaired all the public buildings and all the roads at his own expense, without drawing any thing from the treasury. The ædileship, however, had lost its true character before this time. Agrippa had already been consul before he accepted the office of ædile, and his munificent expenditure in this nominal office was the close of the splendor of the ædileship.[1] Augustus appointed the curule ædiles specially to the office of putting out fires, and placed a body of six hundred slaves under their command; but the *præfecti vigilum* afterward performed this duty. The *coloniæ* and *municipia* of a later period had also their ædiles, whose numbers and functions varied in different places. They seem, however, as to their powers and duties, to have resembled the ædiles of Rome. They were chosen annually. In some places they were the only magistrates, as at Arpinum.[2]

VI. QUÆSTORS.

I. The *Quæstors* were so called (*a quærendo*) because they collected the public revenues (*pecunias publicas conquirebant*).[3] They are sometimes styled, also, *Quæstores Classici*, to distinguish them from the *Quæstores Parricidii*, which last were public accusers in cases of murder or any other capital offence.[4]

II. The quæstors not only collected, but were also intrusted with the care of the public money. They were elected by the centuries of the classes, which is probably the reason why they were called *Classici*, and the office is said to have been first instituted by Valerius Poplicola.[5] They were at first only two in number, and, of course, taken only from the patricians.

III. As the senate had the supreme administration of the finances, the quæstors were, in some measure, only its agents or paymasters, for they could not dispose of any part of the public money without being directed by the senate. Their duties, consequently, consisted in making the necessary payments from the *ærarium*, and receiving the public revenues. Of both they had to keep correct accounts in

[1] *Dion Cass.*, xlix., 43; *Plin., H. N.*, xxxvi., 15.
[2] *Cic., Ep. ad Fam.*, xiii., 11.
[3] *Varro, L. L.*, iv., 4.
[4] *Dig.*, i., tit. 2, s. 2, § 22, 23.
[5] *Plut., Vit. Poplic.*, 12; *Dionys.*, v., 34.

their *tabulæ publicæ*.[1] Demands which any one might have on the *ærarium*, and outstanding debts, were likewise registered by them.[2] Fines to be paid to the public treasury were registered and exacted by them.[3]

IV. Another branch of their duties, which, however, was likewise connected with the treasury, was to provide the proper accommodations for foreign ambassadors, and such persons as were connected with the republic by the ties of hospitality; and, lastly, they were charged with the care of the burials and monuments of distinguished men, the expenses for which had been decreed by the senate to be defrayed from the treasury. In the ærarium, and, consequently, under the superintendence of the quæstors, were kept the books in which the senatusconsulta were registered,[4] while the original documents were in the keeping of the ædiles, until Augustus transferred the care of them also to the quæstors.[5]

V. In B.C. 421 the number of quæstors was doubled, two of the number being intended to accompany the consuls in war, and the tribunes tried to effect, by an amendment of the law, that a part, probably two, of the quæstors should be plebeians.[6] This attempt, indeed, was frustrated, but the interrex L. Papirius effected a compromise, that the election should not be restricted to either order. After this law was carried, eleven years passed without any plebeian being elected to the office. At last, in B.C. 409, three of the four quæstors were plebeians.[7] A person who had held the office of quæstor had undoubtedly, as in later times, the right to take his seat in the senate, unless he was excluded as unworthy by the next censors. And this was probably the reason why the patricians so resolutely opposed the admission of plebeians to this office.

VI. Henceforth, as already remarked, the consuls, whenever they took the field against an enemy, were accompanied by one quæstor each, who at first had only to superintend the sale of the booty, the produce of which was either divided among the legion, or was transferred to the *ærarium*.[8] Subsequently, however, we find that these quæstors also kept the funds of the army, which they had received from the treasury at Rome, and gave the soldiers their pay; they were, in fact, the paymasters of the army.[9]

VII. The two other quæstors who remained at Rome continued to discharge the same duties as before, and were called *Quæstores*

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[1] *Polyb.*, vi., 13. [2] *Pseudo-Ascon. in Verrin.*, p. 158; *Plut., Cat. Min.*, 27.
[3] *Liv.*, xxxviii., 60; *Tacit., Annal.*, xiii., 28.
[4] *Joseph., Ant. Jud.*, xiv., 10, 10; *Plut., Cat. Min.*, 17. [5] *Dion Cass.*, liv., 36.
[6] *Liv.*, iv., 43; *Niebuhr*, ii., p. 430, *seqq.* [7] *Liv.*, iv., 54.
[8] *Id.*, iv., 53. [9] *Polyb.*, vi., 39.

urbani, to distinguish them from those who accompanied the consuls, who were styled *Quæstores Provinciales* or *Militares*.

VIII. In B.C. 265, after the Romans had made themselves masters of Italy, and when, in consequence, the administration of the treasury and the raising of the revenues became more laborious and important, the number of quæstors was again doubled to eight;[1] and it is probable that henceforth their number continued to be increased in proportion as the empire became extended. One of the eight quæstors was appointed by lot to the *Quæstura Ostiensis*, a most laborious and important post. He resided at Ostia, and had to provide Rome with corn.[2] Three other quæstors were distributed in Italy, to raise those parts of the revenue which were not farmed by the *publicani*, and to control the latter. One of them resided at Cales, and the two others probably in towns on the Upper Sea.[3] The two remaining quæstors were sent to Sicily.

IX. Sulla, in his dictatorship, raised the number of quæstors to twenty, in order that he might have a large number of candidates for the senate;[5] and Cæsar even to forty.[4] In the year B.C. 49 no quæstors were elected, and Cæsar transferred the keeping of the *ærarium* to the ædiles. From this time forward the treasury was sometimes intrusted to the prætors, sometimes to the *prætorii*, or persons who had been prætors, and sometimes, again, to quæstors. Quæstors, however, both in the city and in the provinces, occur down to the latest period of the empire.

X. Augustus introduced a new kind of quæstors, called *Quæstores Candidati*,[6] or *Candidati principis*, whose only duty was to read in the senate the communications which the *princeps* had to make to this assembly. They were called *candidati*, because they sued for higher preferment, which, by the interest of the emperor, they were sure to obtain. Hence "*petis tanquam Cæsaris candidatus*,"[7] i. e., carelessly.

XI. From the time of the Emperor Claudius, all quæstors, on entering upon their office, were obliged to give gladiatorial games to the people, at their own expense, whereby the office became inaccessible to any one except the wealthiest individuals.[8]

XII. The proconsul or prætor, who had the administration of a province, was attended by a quæstor. This quæstor had undoubtedly to perform the same functions as those who accompanied the

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[1] *Lyd., de Mag.*, i., 27; *Liv., Epit.*, 15; *Niebuhr*, iii., p. 645.
[2] *Cic., pro Muræn.*, 8; *pro Sext.*, 17.
[3] *Cic. in Vat.*, 5.
[4] *Tac., Ann.*, xi., 22.
[5] *Dion Cass.*, xliii., 47, 51.
[6] *Suet., Aug.*, 56; *Claud.*, 40.
[7] *Quintil.*, vi., 3, 62.
[8] *Suet., Claud.*, 24; *Domit.*, 4; *Lamprid., Alex. Sev.*, 43.

armies into the field. They were, in fact, the same officers, with the exception that the former were stationary in their province during the time of their office, and had consequently rights and duties which those who accompanied the armies could not have. In the province the quæstors had the same jurisdiction as the curule ædiles at Rome.

XIII. The relation existing between a prætor or proconsul of a province and his quæstor was, according to ancient custom, regarded as resembling that between a father and his son. When a quæstor died in his province, the prætors had the right of appointing a *proquæstor* in his stead; and when the prætor was absent, the quæstor supplied his place, and was then attended by lictors. Otherwise, the quæstors had neither lictors[1] nor *viatores*. In what manner the provinces were assigned to the quæstors after their election at Rome is not mentioned, though it was probably by lot, as in the case of the *Quæstor Ostiensis*.

OTHER ORDINARY MAGISTRATES.

There were various other ordinary magistrates, the most important of whom are the following:

1. *Triumviri Capitales*, three in number, as the name imports, and first appointed about B.C. 292.[2] They succeeded to many of the functions of the *Quæstores Parricidii*.[3] It was their duty to inquire into all capital crimes, and to receive information respecting such;[4] and, consequently, they apprehended and committed to prison all criminals whom they detected.[5] In conjunction with the ædiles, they had to preserve the public peace, to prevent all unlawful assemblies,[6] &c. They also enforced the payment of fines due to the state.[7] They had, moreover, the care of public prisons, and carried into effect the sentence of the law upon criminals.[8] In these points they resembled the magistracy of the Eleven at Athens.

2. *Triumviri Monetales*, who had the superintendence of the mint. They are thought to have been first appointed about B.C. 269.[9] Under the republic, the coining of money was not a privilege which belonged exclusively to the state. The coins struck in the time of the republic mostly bear the names of private individuals; and it would seem that every Roman citizen had the right of having his

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[1] *Cic., Ep. ad Fam.*, ii., 15. [2] *Liv., Epit.*, 11. [3] *Varro, L. L.*, v., 81, *ed. Müller.*
[4] *Varro, l. c.; Plaut., Asin.*, i., 2, 5; *Aulul.*, iii., 2, 2; *Cic., pro Cluent.*, 13.
[5] *Liv.*, xxxix., 17; *Val. Max.*, vi., 1, 10; *Cic., l. c.*
[6] *Liv.*, xxv., 1; xxxix., 14. [7] *Festus, s. v. Sacramentum.*
[8] *Liv.*, xxxii., 26; *Val. Max.*, v., 4, 7; viii., 4, 2; *Sall., Cat.*, 55; *Tacit., Ann.*, v., 9.
[9] *Niebuhr*, iii., p. 646.

own gold and silver coined in the public mint, and under the superintendence of its officers. Still, no one, till the time of the empire, had the right of putting his own image upon a coin. Julius Cæsar was the first to whom this privilege was granted. The duties of the *Triumviri Monetales* are indicated by the phrase *qui auro, argento, æri, flando, feriundo præerant*, which is often marked on coins by the letters, A A A F F.[1]

3. *Triumviri Nocturni*, magistrates whose chief duty it was to prevent fires by night,[2] and for this purpose they had to go round the city during the night (*vigilias circumire*). If they neglected their duty, they appear to have been accused before the people by the tribunes of the plebs.[3] The time when this office was instituted is not known, but it must have been previously to the year B.C. 304.[4] Augustus transferred their duties to the *Præfectus Vigilum*.[5]

4. *Quatuorviri Viarum Curandarum*, four officers who had the superintendence of the roads (*viæ*). They were first appointed after the termination of the war with Pyrrhus, when so many public roads were made by the Romans.

All these magistrates used to be created by the people at the *Comitia Tributa*.

Jan. 17. 1852.

CHAPTER VII.

EXTRAORDINARY MAGISTRATES.

DICTATOR AND MASTER OF THE HORSE.—DECEMVIRI LEGIBUS SCRIBENDIS.—INTERREX.—PRÆFECTUS URBI.

1. *Dictator and Master of the Horse.*

I. The name *Dictator* is of Latin origin,[6] and is supposed to have been given to this magistrate either because he was *named* by the consul (quod a consule *diceretur*),[7] or because he published edicts or orders (quod multa *dictaret*)[8] which all were specifically bound to obey. The office itself probably existed in many Latin towns before it was introduced into Rome;[9] and we find it at Lanuvium even in very late times.[10] At Rome, however, this magistrate was originally called *Magister Populi*, and not *Dictator*, and in the sacred books he was always designated by the former name down to the latest times.[11]

II. The name of the first dictator, and the immediate reason of

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1 *Dion Cass.*, liv., 26. 2 *Liv.*, ix., 46. 3 *Val. Max.*, viii., 1, 5.
4 *Liv.*, ix., 46. 5 *Dig.*, 1, tit. 15, s. 1. 6 *Dionys.*, v., 74.
7 *Varro, L. L.*, iv., 14. 8 *Creuzer, Röm. Ant.*, § 161. 9 *Dionys., l. c.*
10 *Cic., pro Mil.*, 10. 11 *Cic., de Rep.*, i., 40; *de Leg.*, iii., 3; *de Fin.*, iii., 22.

his appointment, were differently stated in the ancient annalists. According to the most probable opinion, however, the office was first held by T. Larcius, B.C. 501, who was one of the consuls of the year, and the cause of his appointment and of the institution of the office was, according to Livy, a dangerous war with the Latins. As the authority of the consuls was not sufficiently respected on account of the liberty of appeal from them, it was judged proper, in this emergency, to create a single magistrate, with absolute power, from whom there should be no appeal, and who should not be restrained by the interposition of a colleague.[1]

III. The dictator was not created by the suffrages of the people, as the other magistrates were, but one of the consuls, by virtue of a decree of the senate, named a dictator, usually a person of consular rank; and this he did after having taken the auspices, probably without any witnesses, between midnight and morning.[2] The technical term for this nomination was *dicere* (*dictatorem dicebat*), seldom *creare* or *facere*. So essential, indeed, was the nomination by a consul, that we find the senate, on one occasion, having recourse to the tribune of the commons to compel the consuls to nominate a dictator when they had refused so to do.[3] And after the battle at the Lake Trasimenus, when all communication with the surviving consul was cut off, the senate provided for the emergency by causing the people to elect a *Prodictator*, because, says Livy, the people could not elect (*creare*) a dictator, having never, up to that time, exercised such a power.[4]

IV. In the same spirit it became a question whether the *tribuni militum* with consular power could nominate a dictator, and they did not venture to do so till the augurs had been consulted, and had declared it allowable.[5] The nomination of Sulla by an interrex, and of Cæsar by a prætor, was contrary to all precedent, and altogether illegal.[6]

V. The senate seem usually to have mentioned in their decree the name of the person whom the consul was to nominate;[7] but that the consul was not absolutely bound to nominate the person whom the senate had named, is evident from the cases in which the consuls appointed persons in opposition to the wishes of the senate.[8] By the original law respecting the appointment of a dictator, no one was eligible to this office unless he had previously been consul. We find, however, a few instances in which this law was not observed.

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[1] *Liv.*, ii., 18. [2] *Id.*, viii., 23; ix., 38; *Dionys.*, x., 11. [3] *Liv.*, iv., 26.
[4] *Id.*, xxii., 8. [5] *Id.*, iv., 21. [6] Compare *Cic.*, *ad Att.*, ix., 15.
[7] *Liv.*, iv., 17, 21, 23, 46; vi., 2; vii., 12; viii., 17; ix., 29, &c.
[8] *Id.*, viii., 12; *Epit.*, 19; *Suet.*, *Tib.*, 2.

VI. It is doubtful what rule was adopted, or whether any existed, for the purpose of determining which of the two consuls should nominate the dictator. In one case we read that the nomination was made by the consul who had the fasces;[1] in another, that it was decided by lot:[2] and in a third, that it was a matter of agreement among themselves.[3] In later times the senate usually intrusted the office to the consul who was nearest at hand. The nomination took place at Rome, as a general rule; and if the consuls were absent, one of them was recalled to the city whenever it was practicable;[4] but if this could not be done, a senatusconsultum, authorizing the appointment, was sent to the consul, who thereupon made the nomination in the camp.[5] Nevertheless, the rule was maintained that the nomination could not take place outside of the *Ager Romanus*,[6] though the meaning of this expression was extended so as to include the whole of *Italia*.

VII. Originally, the dictator was of course a patrician. The first plebeian dictator was C. Marcius Rutilus, in B.C. 356, nominated by the plebeian consul M. Popilius Lænas.[7]

VIII. The reasons which led to the appointment of a dictator required that there should be only one at a time. The only exception to this rule occurred in B.C. 216, after the battle of Cannæ, when M. Fabius Buteo was nominated dictator for the purpose of filling up the vacancies in the senate, although M. Junius Pera was discharging the regular duties of the dictator; but Fabius resigned on the day of his nomination, on the ground that there could not be two dictators at the same time.[8] The dictators that were appointed for carrying on the business of the state were said to be nominated *rei gerundæ causa*, and the *imperium* was conferred upon them, as upon the other magistrates, by a *lex Curiata*.[9] Dictators were also frequently appointed for some special purpose, and often one of small importance, of which further mention will presently be made.

IX. The dictatorship *rei gerundæ causa* was limited to six months,[10] and no instances occur in which a person held this office for a longer period, for the dictatorships of Sulla and Cæsar are, of course, not to be taken into account. On the contrary, though a dictator was appointed for six months, he often resigned his office long previously, immediately after he had dispatched the business for which he had been appointed.[11]

[1] *Liv.*, viii., 12. [2] *Id.*, iv., 26. [3] *Id.*, iv., 21. [4] *Id.*, vii., 19; xxiii., 22.
[5] *Id.*, vii., 21; viii., 23; ix., 38; xxv., 2; xxvii., 5. [6] *Id.*, xxvii., 5.
[7] *Id.*, vii., 17. [8] *Id.*, xxiii., 22, 23; *Plut.*, *Fab.*, 9.
[9] *Id.*, ix., 38, 39; *Dionys.*, v., 70.
[10] *Cic.*, *de Leg.*, iii., 3; *Liv.*, iii., 29; ix., 34; xxiii., 23; *Dionys.*, v., 70; x., 25, &c.
[11] *Liv.*, iii., 29; iv., 46; vi., 29.

X. As soon as the dictator was nominated, a kind of suspension took place with respect to the consuls and all the other magistrates, with the exception of the *tribuni plebis*. It is frequently stated that the duties and functions of all the ordinary magistrates, except the tribunes of the commons, entirely ceased, and some writers have even gone so far as to say that the consuls abdicated;[1] but this is not a correct way of stating the facts of the case. The regular magistrates continued to discharge the duties of their various offices under the dictator, but, with the exception of the tribunes, they were no longer independent officers, but were subject to the higher *imperium* of the dictator, and obliged to obey his order in every thing.

XI. The superiority of the dictator's power to that of the consuls consisted chiefly in the three following points: 1. Greater independence of the senate; 2. More extensive power of punishment, without any appeal from his sentence to the people; 3. Irresponsibility. To these three points must of course be added that he was not fettered by a colleague. For how long a time the dictatorship was a magistracy without appeal (*sine provocatione*) is uncertain. Most probably, however, it was always so, and the *lex Valeria Horatia*, which ordained "*ne quis ullum magistratum sine provocatione crearet*," only applied, in all likelihood, to the regular magistracies, and the dictatorship was exempt from it.

In connection with the *provocatio* there arises another question respecting the relation of the dictatorship to the tribunes of the commons. The tribunes, as already stated, continued in office during the dictatorship; but we have no reason to believe that they had any control over a dictator, or could hamper his proceedings by their *intercessio*, as they could in the case of the consuls. That the tribunes continued in office as independent magistrates during a dictatorship, while all the other magistrates became simply the officers of the dictator, is to be explained by the fact that the *lex de dictatore creando* was passed before the institution of the tribuneship of the commons, and consequently made no mention of it, and that, as a dictator was appointed by virtue of a senatusconsultum, the senate had no power over the tribunes of the commons, though they could suspend the other magistrates.

XII. The dictator, as already remarked, was irresponsible, that is, he was not liable after his abdication to be called to account for any of his official acts. This is expressly stated by ancient writers,[2]

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1 *Polyb.*, iii., 87; *Cic.*, *de Leg.*, iii., 3; *Dionys.*, v., 70, 72.

2 *Zonar.*, vii., 13; *Dionys*, v., 70; vii., 56; *Plut.*, *Fab.*, 3; *Appian.*, *Bell. Civ.*, ii., 23.

and, even if it had not been stated, it would follow from the very nature of the dictatorship. We find, moreover, no instance recorded in which a dictator, after his resignation, was made answerable for the misuse of his power, with the exception of Camillus, whose case, however, was a very peculiar one.

XIII. There were, however, a few limits to the power of the dictator. 1. The most important was that which we have already mentioned, namely, that the period of his office was only six months. 2. He had no power over the treasury, but could only make use of the money which was granted him by the senate.[1] 3. He was not allowed to leave Italy, since he might in that case easily become dangerous to the republic.[2] The only exception to this rule was that of Atilius Calatinus in the first Punic war.[3] He was not allowed to ride on horseback at Rome without previously obtaining the permission of the people;[4] a regulation apparently capricious, but perhaps adopted that he might not bear too great a resemblance to the kings, who were accustomed to ride.

XIV. The insignia of the dictators were nearly the same as those of the kings in earlier times, and of the consuls subsequently. Instead, however, of having only twelve lictors, as was the case with the consuls, he was preceded by twenty-four, bearing the secures as well as the fasces. The *sella curulis* and *toga prætexta* also belonged to the dictator.[5]

XV. The preceding account of the dictatorship applies more particularly to the dictator *rei gerundæ causa;* but dictators were also frequently appointed, especially when the consuls were absent from the city, to perform certain acts which could not be done by any inferior magistrate. These dictators, however, had little more than the name; and as they were only appointed to discharge a particular duty, they had to resign immediately after that duty was performed, and they were not entitled to exercise the power of their office in reference to any other matter than the one for which they were nominated. The occasions on which such dictators were appointed were principally the following: 1. For the purpose of holding the comitia for elections; 2. For fixing the nail (*clavus annalis*) in the right side of the temple of Jupiter. In the early ages of Rome, when letters were yet scarcely in use, the Romans kept a reckoning of their years by driving a nail on the ides (13th) of each September into the side wall of the temple of Jupiter Optimus Max-

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[1] *Zonar.*, vii., 13.
[2] *Dion Cass.*, xxxvi., 17.
[3] *Liv.*, *Epit.*, 19.
[4] *Liv.*, xxiii., 14; *Zonar.*, vii., 13.
[5] *Polyb.*, iii., 87; *Dionys.*, x., 24; *Plut.*, *Fab.*, 4; *Appian*, *Bell. Civ.*, i., 100; *Dion Cass.*, liv., 1.

imus.[1] This ceremony was usually performed by a consul, but in times of pestilence or civil discord by a dictator, especially chosen for that purpose;[2] 3. For appointing holy days, on the appearance of prodigies,[3] and for officiating at the public games, the presidency of which belonged to the consuls or prætors;[4] 4. For holding trials;[5] 5. And, on one occasion, for filling up vacancies in the senate.[6]

XVI. Along with the dictator there was always a *Magister Equitum*, a Master of the Horse, the nomination of whom was left to the choice of the dictator, unless the *senatusconsultum* specified, as was sometimes the case, the name of the person who was to be appointed.[7] The *Magister Equitum* had, like the dictator, to receive the *imperium* by a *lex curiata*.[8] The dictator could not be without a *Magister Equitum*, and, consequently, if the latter died during the six months of the dictatorship, another had to be nominated in his stead.

XVII. The *Magister Equitum* was subject to the imperium of the dictator, but in the absence of his superior he became his representative, and exercised the same power as the dictator. On one occasion, shortly before legal dictators ceased to be appointed, we find an instance of a *magister equitum* being invested with an imperium equal to that of the dictator, so that there were then virtually two dictators; but this is expressly mentioned as an anomaly, which had never occurred before.[9]

XVIII. The rank which the *Magister Equitum* held among the other Roman magistrates is doubtful. Niebuhr asserts[10] that "no one ever supposed that his office was a curule one;" and if he is right in supposing that the consular tribunate was not a curule office, his view is supported by the account in Livy, that the imperium of the *Magister Equitum* was not regarded as superior to that of a consular tribune.[11] Cicero, on the contrary, places the *Magister Equitum* on a par with the prætor;[12] and after the establishment of the prætorship, it seems to have been considered necessary that the person who was to be nominated *Magister Equitum* should previously have been prætor, just as the dictator, according to the old law, had to be chosen from the consulars.[13] Accordingly we find, at a later time, that the *Magister Equitum* had the insignia of a prætor.[14]

XIX. The *Magister Equitum* was originally, as his name imports,

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1 *Festus, s. v. Clav. Annal; Liv.*, vii., 3; viii., 18; ix., 28; *Cic., ad Att.*, v., 15.
2 *Liv.*, vii., 3.
3 *Id.*, vii., 28.
4 *Id.*, viii., 40; ix., 34.
5 *Id.*, ix., 36.
6 *Id.*, xxiii., 22.
7 *Id.*, viii., 17; xxii., 57.
8 *Id.*, ix., 38.
9 *Polyb.*, iii., 103, 106.
10 Vol. ii., p. 390.
11 *Liv.*, vi., 39.
12 *Cic., de Leg.*, iii., 3.
13 *Dion Cass.*, xlii., 21.
14 *Id.*, xlii., 27

the commander of the cavalry, while the dictator was at the head of the legions, or infantry;[1] and the relation between them was in this respect similar to that which subsisted between the king and the *tribunus celerum.*

Dictators were only appointed so long as the Romans had to carry on wars in Italy. A solitary instance occurs in the first Punic war of the nomination of a dictator for the purpose of carrying on war out of Italy;[2] but this was never repeated, because, as has been already remarked, it was feared that so great a power might become dangerous at a distance from Rome. But after the battle of Trasimenus, in B.C. 216, when Rome itself was threatened by Hannibal, recourse was again had to a dictator, and Q. Fabius Maximus was appointed to the office. In the next year, after the battle of Cannæ, M. Junius Pera was also nominated dictator, but this was the last time of the appointment of a dictator *rei gerundæ causa.* From that time dictators were frequently appointed for holding the elections down to B.C. 202, but from that year the dictatorship disappears altogether. After a lapse of one hundred and twenty years, Sulla caused himself to be appointed dictator in B.C. 82, *reipublicæ constituendæ causa,*[3] but, as Niebuhr remarks, the title was a mere name, without any ground for such a use in the ancient constitution. Neither the magistrate (*interrex*) who nominated him, nor the time for which he was appointed, nor the extent nor exercise of his power, was in accordance with the ancient laws and precedents; and the same was the case with the dictatorship of Cæsar. Soon after Cæsar's death, the dictatorship was abolished forever by a law proposed by the consul Antonius.[4] The title, indeed, was offered to Augustus, but he resolutely refused it, in consequence of the odium attached to it from the tyranny of Sulla when dictator.[5]

XX. During the time, however, that the dictatorship was in abeyance, a substitute was invented for it, whenever the circumstances of the republic required the adoption of extraordinary measures, by the senate investing the consuls with dictatorial power. This was done by the well-known formula *Videant* or *dent operam consules, ne quid respublica detrimenti capiat.*[6]

2. *Decemviri Legibus Scribendis.*

I. The *Decemviri Legibus Scribendis* were, as their name imports, ten in number. They were appointed to draw up a code of laws, and the whole government of the state was in the mean time intrusted to them.

II. As early as B.C. 462, a law was proposed by C. Terentilius Arsa that commissioners should be appointed to draw up a code of

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[1] *Liv.*, iii., 27. [2] *Id.*, *Epit.*, 19. [3] *Vell. Paterc.*, ii., 28.
[4] *Cic.*, *Phil.*, i., 1; *Liv.*, *Epit.*, 116; *Dion Cass.*, xliv., 51. [5] *Suet.*, *Aug.*, 52.
[6] Compare *Sall.*, *Cat.*, 29.

laws, but this was violently opposed by the patricians;[1] and it was not till after a struggle of nine years that the patricians consented to send three persons to Greece, to collect such information respecting the laws and constitutions of the Greek states as might be useful to the Romans.[2] They were absent a year; and on their return, after considerable dispute between the patricians and plebeians, ten commissioners of the patrician order were appointed, with the title of *decemviri legibus scribendis*, to whom the revision of the laws was committed.

III. All the other magistrates were obliged to abdicate, and no exception was made even in favor of the tribunes; for there is no reason to suppose, as Niebuhr has done, that the tribuneship was not given up till the second decemvirate.[3] They were thus intrusted with supreme power in the state.

IV. The decemviri entered upon their office at the beginning of B.C. 451. They discharged the duties of their office with diligence, and dispensed justice with impartiality. Each administered the government day by day in succession, as during an interregnum, and the fasces were only carried before the one who presided for the day.[4] They drew up a body of laws, distributed into ten sections, which, after being approved of by the senate and comitia, were engraven on tables of metal and set up in the comitium.

V. On the expiration of their year of office, all parties were so well satisfied with the manner in which they had discharged their duties, that it was resolved to continue the same form of government for another year, more especially as some of the decemvirs said that their work was not finished. Ten new decemvirs were accordingly elected, of whom Appius Claudius alone belonged to the former body;[5] and of his nine new colleagues Niebuhr thinks that five were plebeians. These magistrates framed several new laws, which were approved of by the centuries, and engraven on two additional tables. They acted, however, in a most tyrannical manner. Each was attended by twelve lictors, who carried, not the rods only, but the axe, the emblem of sovereignty. They made common cause with the patrician party, and committed all kinds of outrages upon the persons and property of the plebeians and their families. When their year of office expired, they refused to resign or to appoint successors.

VI. At length the unjust decision of Appius Claudius in the case of Virginia, which led her father to kill her with his own hands in

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[1] *Liv.*, iii., 9.
[2] *Id.*, iii., 31.
[3] *Cic., de Rep.*, ii., 36; *Liv.*, iii., 32; *Dionys.*, x., 56.
[4] *Liv.*, iii., 33.
[5] *Liv.*, iii., 35; *Dionys.*, x., 53.

order to save her honor, occasioned an insurrection of the people. The decemvirs were in consequence obliged to resign their office, B.C. 449, after which the usual magistrates were re-established.[1] The ten tables of the former, and the two tables of the latter decemvirs, together form the laws of the *Twelve Tables*, the basis of Roman jurisprudence.

3. *Interrex.*

I. The office of *Interrex* is said to have been instituted on the death of Romulus, when the senate wished to share the sovereign power among themselves instead of electing a king. For this purpose the senate, which then consisted of one hundred members, was divided into ten *decuriæ*, and from each of these *decuriæ* one senator was nominated.[2] These together formed a board of ten, with the title of *interreges*, each of whom enjoyed in succession the regal power and its badges for five days; and if no king was appointed at the expiration of fifty days, the rotation began anew. The period during which they exercised their power was called an *Interregnum.*

II. The *interreges* agreed among themselves who should be proposed as king,[3] and if the senate approved of their choice, they summoned the assembly of the *curiæ*, and proposed the person whom they had previously agreed upon: the power of the *curiæ* was confined to accepting or rejecting him. After the king had been elected, the *curiæ* conferred upon him the *imperium* by a special law, *lex curiata de imperio.*[4]

III. *Interreges* were appointed (one at a time) under the republic for holding the comitia for the election of consuls, when the consuls, through civil commotions or other causes, had been unable to do so in their year of office.[5] Each held the office for only five days, as under the kings, at the end of which time a new *interrex* was chosen. The comitia were, as a general rule, not held by the first *interrex;* more usually by the second or third;[6] but in one instance we read of an eleventh, and in another of a fourteenth *interrex.*[7] The comitia for electing the first consuls were held by Sp. Lucretius, an interrex, whom Livy also calls *præfectus urbis.*

IV. The *interreges* under the republic, at least from B.C. 482, were elected by the senate from the whole body, and were not confined to the *decem primi*, or ten chief senators, as under the kings.[8] Ple-

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[1] *Niebuhr, Hist. Rome*, vol. ii., p. 309, *seqq.*; *Arnold, Hist. Rome*, vol. i., p. 250, *seqq.*; *Becker, Röm. Alterth.*, vol. ii., pt. ii., p. 126, *seqq.*

[2] *Liv.*, i., 17.

[3] *Dionys.*, iv., 40, 80.

[4] *Cic., de Rep.*, ii., 13, 17, 18, 20, 21.

[5] *Dionys.*, viii., 90; *Liv.*, iv., 43, &c.

[6] *Liv.*, ix., 7; x., 11; v., 31.

[7] *Liv.*, vii., 22: viii., 23.

[8] *Dionys.*, viii., 90.

beians, however, were not admissible to this office, and consequently, when plebeians were admitted into the senate, the patrician senators met together, without the plebeian members, to elect an *interrex*. For this reason, as well as on account of the influence which the *interrex* exerted in the election of the magistrates, we find that the tribunes of the commons were strongly opposed to the appointment of an *interrex*, till the senate, by command of Sulla, created an *interrex* to hold the comitia for his election as dictator.[1]

V. In B.C. 55 another *interrex* was appointed to hold the comitia, in which Pompey and Crassus were elected consuls;[2] and we also read of *interreges* in B.C. 53 and 52, in the latter of which years an *interrex* held the comitia in which Pompey was appointed sole consul.[3]

4. *Præfectus Urbi.*

I The *Præfectus Urbi*, præfect or warden of the city, may most conveniently be ranked under the head of extraordinary magistrates, though, in strictness, scarcely belonging to the same. He was originally called *Custos Urbis*,[4] and the name præfectus urbi does not seem to have been used till after the time of the decemvirs.

II. The dignity of *Custos Urbis*, being combined with that of *Princeps Senatus*, was conferred by the king, as he had to appoint one of the *decem primi* as *princeps senatus*.[5] The functions of the *custos urbis*, however, were not exercised except in the absence of the king from Rome, and then he acted as the representative of the king; but whether he also had the right of convoking the assembly of the populus is doubtful; but, on any emergency, he might take such measures as he thought proper, for he had the imperium in the city.[6]

III. During the kingly period, the office of warden of the city was probably for life. Under the republic, the office and its name of *custos urbis* remained unaltered; but in 487 B.C. it was elevated into a magistracy, to be bestowed by election.[7] The *custos urbis* was, in all probability, elected by the *curiæ*, instead of whom Dionysius[8] mentions the senate. Persons of consular rank were alone eligible; and, down to the time of the decemvirate, every præfect that is mentioned occurs previously as consul, with the exception of L. Lucretius, mentioned by Livy.[9]

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[1] *Appian., Bell. Civ.*, i., 98.
[2] *Dion Cass.*, xxxix., 27.
[3] *Id.*, xl., 45; *Ascon., ad Cic. pro Mil. init.*, p. 32, *Orelli*; *Plut., Pomp.*, 54.
[4] *Lydus, de Magistr.*, i., 34, 38.
[5] *Liv.*, i., 59, 60; *Dionys.*, ii., 12.
[6] *Tac., Ann.*, vi., 11; *Liv.*, i., 59.
[7] *Lydus, de Magistr.*, i., 38.
[8] *Dionys.*, viii., 64.
[9] *Liv.*, iii., 24 (*ed. Alschefski*).

IV. In the early periods of the republic, the warden exercised within the city all the powers of the consuls, if they were absent; he convoked the senate,[1] held the comitia,[2] and, in times of war, even levied civic legions, which were commanded by him. When, however, the office of *Prætor Urbanus* was instituted, the wardenship of the city was swallowed up in it;[3] but, as the Romans were always averse to dropping altogether any of their old institutions, a *præfectus urbi*, though a mere shadow of the former office, was henceforth appointed every year, only for the time that the consuls were absent from Rome for the purpose of celebrating the *Feriæ Latinæ*. This præfectus had neither the power of convoking the senate, nor the right of speaking in it; as, in most cases, he was a person below the senatorial age, and was not appointed by the people, but by the consuls.

V. During the empire such præfects of the city still continued to be appointed so long as the *Feriæ Latinæ* were celebrated; but they must not be confounded with the new præfects of the city first instituted by Augustus, and who were regular and permanent magistrates. An account of this latter office will be given in chapter IX.

Jan. 20 1852.

CHAPTER VIII.

PROVINCIAL MAGISTRATES.

ORGANIZATION OF THE ROMAN PROVINCES.—PROPRÆTORS.—PROCONSULS, &c.

I. A CONQUERED country received its provincial organization either from the Roman commander, whose acts, however, required the approval of the senate; or the government was organized by the commander and a body of commissioners appointed by the senate out of their own number.[5] This original organization often made very important changes in the existing political forms, but still the conquered people retained their national existence, and were not in all senses incorporated into the Roman state.

II. Originally prætors were appointed to govern the provinces, but subsequently the prætors received a province after their year of office at Rome, and were then called *Proprætors*; and toward the close of the republic, the consuls, in like manner, received provinces, which were hence called *Consulares*, and they themselves *Pro-*

[1] *Liv.*, iii., 9; *Gell.*, xiv., 7, 4.
[2] *Liv.*, iii., 24.
[3] *Lydus, de Mens.*, 19; *de Magistr.*, ii., 6.
[4] *Gell.*, xiv., 8.
[5] *Plut., Lucull.*, 35, 36.

consules. The prætorian provinces, on the other hand, were denominated *prætoriæ*.

III. The functions of a provincial governor were both military and civil. He was assisted in the discharge of his duties by a quæstor or quæstors, who looked after the revenues; and by *legati*, or lieutenants, who assisted in the administration, and were generally appointed by the senate,[1] but sometimes by the governor with the permission of the senate.[2] Each province had commonly but one quæstor; but if it were large of size, two or more. Sicily, for instance, had two quæstors, one residing at Lilybæum, and the other with the governor or prætor at Syracuse. In like manner, the number of *legati* was different, according to the extent of the province or the rank of the governor. Thus Cicero, in Cilicia, had four; Cæsar, in Gaul, ten; and Pompey, in Asia, fifteen. The least number seems to have been three; Quintus, the brother of Cicero, had no more in Asia Minor.[3]

IV. The office of a *legatus* was very honorable, and men of prætorian and even consular dignity did not think it below them to bear it. Thus Scipio Africanus served as *legatus* under his brother Lucius.[4] In the retinue of a provincial governor were comprehended his military officers, and all his public and domestic attendants, among whom may be mentioned a regular body of clerks and interpreters. There were also young noblemen, who went with him to learn the art of war, or to see the mode of conducting public business, and who, on account of their intimacy, were called his *contubernales*,[5] or, as we would say, members of his military family.

V. The prætors or consuls cast lots for their provinces, or settled them by agreement. But sometimes provinces were expressly assigned to them by the senate or people.[6] The senate, also, as has already been remarked, fixed the extent and limits of the provinces, the number of soldiers to be maintained in them, and the sums for their payment, as also the travelling charges (*viaticum*) of the governors. What was assigned them for household furniture, &c., was called *Vasarium*.[7]

VI. The province was treated as a conquered country, though the towns retained somewhat of their municipal freedom; but the constitution of many of them, at least, was refashioned upon the model of Rome, though in this respect there were probably considerable varieties. Under the emperors the political organization of the whole empire became more uniform. The towns had the manage-

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[1] *Cic., Ep. ad Fam.*, i., 7. [2] *Id.*, xii., 55. [3] *Cic., ad Q. fr.*, i., 3.
[4] *Liv.*, xxxvii., 1; *Gell.*, iv., 18. [5] *Cic., pro Coel.*, 30; *pro Planc.*, 11.
[6] *Liv.*, xxxv., 20; xxxvii., 1. [7] *Cic. in Pis.*, 35.

ment of their revenue, and the right of coining; but only towns of the highest class could coin silver. They had a senate like those in the Italian towns, but no magistrates with corresponding powers. The religion of the people was not interfered with.[1]

VII. In some cases, part of the land of conquered countries was seized by the Roman state, and let by the censors; or the forfeited land was restored, subject to the payment of a rent. All provincial land differed in some essential particulars from Italian land. It could not be the subject of Quiritarian ownership, that is, it had not the privileges of Italian land, and it was capable of being transferred without the forms required in the case of Italian land. All provincial lands, moreover, paid taxes (*vectigalia et tributa*). But certain provincial towns received as a favor the *Jus Italicum*, the legal effect of which was to give the land included within the limits of such town all the qualities of Italian land, and consequently freedom from taxation. Such towns also received, as a part of the *Jus Italicum*, a free constitution like that of the Italian towns, and the power of holding courts of justice.[2]

VIII. In all the provinces the regular jurisdiction was in the hands of the Roman governor, who exercised it by himself and his quæstor and *legati*. For this purpose he made circuits in his province, and these circuits, called *conventus*, formed what we may call the divisions of a province for judicial purposes. The towns which had the *Jus Italicum* were not comprised in these *conventus*; they had their own magistrates, but there was an appeal to the governor.[3]

IX. These *conventus*, which are frequently mentioned by the Roman writers, were not accidental assemblages of persons, but meetings at stated times and places appointed by the governor, and principally for the purpose of judicial decision on matters in dispute both between Roman citizens, and Roman citizens and the provincials. The governor chose usually twenty of the most respectable men of the province, who sat with him in council (*Concilium*, or *Assessores*), and after advising with whom he pronounced judgment. The winter was usually devoted to the administration of justice, the summer to military or other public affairs. The governor dispensed justice much in the same way with the prætor at Rome, according to the laws which had been prescribed to the province when first subdued, or according to the regulations which had afterward been made concerning it by the senate or people of Rome; or, finally, according to his own edicts, which he published in the province concerning every thing of importance. He always published a gen-

[1] *Penny Cyclop.*, vol. xix., p. 64, *seqq.* [2] *Ibid.* [3] *Ibid.*

eral edict before he entered on his government, as the prætor did at Rome. He himself presided in all public and important cases. Those of minor moment were left to the *legati* or quæstor.

X. The governor of a province had originally to account at Rome for his administration from his own books and those of his quæstors; but, after the passing of a *lex Julia* in B.C. 61, he was bound to deposit two copies of his accounts in the two chief cities of his province, and to forward one to the *ærarium*[1] within thirty days after his year of office had elapsed. If he had misconducted himself in the administration of the province, the inhabitants applied for redress to the Roman senate, and to the powerful Romans who were their *patroni*. The principal offences charged against the governors of provinces were the following: 1. Extortion (*crimen repetundarum*), if he had made any unjust exactions, or had improperly taken or received money in any way during his year of office; 2. Peculation (*crimen peculatus*), if he had embezzled the public money; 3. What was called *Crimen Majestatis*, if he had betrayed his army or province to the enemy, or led the army out of the province and made war upon any prince or state, without the order of the people or the decree of the senate.

XI. A proconsul, when the annual term of his government had elapsed, delivered up the province and army to his successor, if he arrived in time, and left the province within thirty days. If his successor did not arrive, he nevertheless departed, leaving a *legatus*, or more frequently a quæstor, to command in the province. When he returned to Rome, he entered the city as a private person, unless he claimed a triumph, in which latter case he did not enter the city, but gave an account of his exploits to the senate in the temple of Bellona, or in some other temple without the city.[2]

XII. A proconsul had twelve lictors, a proprætor six. The former, too, had a larger retinue than the latter. The governors of provinces were prohibited from using any other language than the Latin in the functions of their office. Hence the necessity of interpreters.

XIII. An account of the government of the provinces under the empire will be given under chapter X.

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[1] *Cic.*, *Ep. ad Fam.*, ii., 17; v., 20; *ad Att.*, vi., 7.

[2] *Liv.*, iii., 63; xxxviii., 45; *Dion Cass.*, xlix., 15.

Jan 21. 1852

CHAPTER IX.

PUBLIC SERVANTS OF THE MAGISTRATES.

SCRIBÆ.—PRÆCONES.—COACTORES.—LICTORES.—ACCENSI.—VIATORES.—CARNIFEX.—STATOR.

THE public servants (*ministri*) of the magistrates were called by the common name of *Apparitores*, because they were at hand to execute the commands of the magistrates (*quod iis apparebant et præsto erant ad obsequium*). Their service or attendance was called *apparitio*. These public servants were,

1. *Scribæ.*

I. The *Scribæ* were public notaries or clerks in the pay of the state. They were chiefly employed in making up the public accounts, copying out laws, and recording the proceedings of the different functionaries of the state. Being very numerous, they were divided into companies or classes (*decuriæ*), and were assigned by lot to different magistrates, whence they were named *Quæstorii*, *Ædilicii*, or *Prætorii*, from the offices of state to which they were attached.[1] Those who exercised this office were said *scriptum facere*.[2] The appointment to the station of *scriba* seems to have been either made on the nomination of some magistrate, or to have been purchased.

II. As one might become a *scriba* by purchase,[3] freedmen and their sons were consequently eligible, and constituted, in fact, a large portion of the order.[4] Hence the office was not highly esteemed, though frequently held by *ingenui* or free-born citizens. Cicero, however, informs us that the *Scribæ* were a respectable class of men, but he thinks it necessary to assign a reason for calling them such, as if he were conscious that he was combating a popular prejudice.

III. There were also *Actuarii* or *Notarii*, short-hand writers, who took down the speeches in the senate and the courts of law. They were generally slaves or freedmen. In the course of time the title of *Notarii* was exclusively applied to the private secretaries of the emperors, who, of course, were no longer slaves, but persons of high rank. The short-hand writers were now called *exceptores*.[5]

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[1] *Cic., Verr.*, iii., 79; *in Cat.*, iv., 7; *pro Cluent.*, 45, &c.
[2] *Liv.*, ix., 46; *Gell.*, vi., 9.
[3] *Cic., Verr.*, iii., 79.
[4] *Tac., Ann.*, xiii., 27.
[5] *Dig.*, 19, tit. 2, s. 19, § 9.

2. *Præcones.*

The *Præcones*, criers, were employed for various purposes. Thus,

1. In sales by auction they frequently advertised or announced the time, place, and conditions of sale; they seem also to have acted the part of the modern auctioneer, so far as calling out the biddings and amusing the company, though the property was knocked down by the *magister auctionis*.[1]

2. In all public assemblies they ordained silence.[2]

3. In the *comitia* they called the centuries, one by one, to give their votes, pronounced the vote of each century, and called out the names of those who were elected.[3] When laws were to be passed, they recited them to the people. In trials they summoned the *judices*, the person accused, the accuser, and sometimes the witnesses.[4]

4. In the public games they invited the people to attend them, and they ordered the slaves and other improper persons to be removed from them. They proclaimed the victors and crowned them,[5] &c.

5. In solemn funerals they also invited the people to attend by a certain form of words; and hence these funerals were called *Funera Indictiva*.[6]

6. When things were lost they cried them and searched for them.[7] In the infliction of capital punishment they sometimes conveyed the commands of the magistrates to the lictors.[8]

The office of crier was called *præconium*, and appears to have been regarded as rather disreputable. Under the early emperors, however, it became very profitable, owing, no doubt, partly to fees, to which they were entitled in courts of justice and on other occasions, and partly to the bribes which they received from the suitors, &c.

3. *Coactores.*

The name *Coactor* was applied to collectors of various sorts, for example, to the servants of the *publicani*, or farmers of the public taxes, who collected the revenues for them;[9] also to those who collected the money from the purchasers of things sold at public auction. The father of Horace was a collector of the taxes farmed by

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[1] *Hor., Ep. ad Pis.*, 419; *Cic., ad Att.*, xii., 40; *de Off.*, ii., 23.
[2] *Liv.*, iii., 47; *Plaut., Poen. Prol.*, 11.
[3] *Cic., Verr.*, v., 15; *pro Mil.*, 35.
[4] *Suet., Tib.*, 11.
[5] *Cic., Ep. ad Fam.*, v., 12.
[6] *Festus, s. v. Quirites; Suet., Cæs.*, 84.
[7] *Plaut., Merc.*, iii., 4, 78; *Petron.*, 57.
[8] *Liv.*, xxvi., 15.
[9] *Cic., pro Rab. Post.*, 11.

the *publicani*.[1] Moreover, the servants of the money-changers were so called from collecting their debts for them.

4. *Lictores.*

I. The *Lictor* was a public officer who attended on the chief Roman magistrates. The number that waited on the different magistrates has already been mentioned. The office of lictor is said to have been derived by Romulus from the Etruscans.[2] The etymology of the name is doubtful. Gellius connects it with the verb *ligare*, because the lictors had to bind the hands and feet of criminals before they were punished.[3] The lictors went before the magistrates, one by one in a line; he who went last, or next to the magistrate, was called *proximus lictor*, to whom the magistrate gave his commands;[4] and as this lictor was always the principal one, we also find him called *primus lictor*,[5] which expression some modern writers have erroneously supposed to refer to the lictor who went first.

II. The lictors had to inflict punishment on those who were condemned, especially in the case of Roman citizens;[6] for foreigners and slaves were punished by the *carnifex*; and they also probably had to assist, in some cases, in the execution of a decree of judgment in a civil suit. The lictors also commanded persons to pay proper respect to a magistrate passing by, which consisted in dismounting from horseback, uncovering the head, standing out of the way,[7] &c.

III. The lictors were originally chosen from the plebs,[8] but afterward appear to have been generally freedmen, probably of the magistrate on whom they attended.[9] Lictors were properly only granted to those magistrates who had the *imperium*. Consequently, the tribunes of the commons never had lictors,[10] nor several of the other magistrates. Sometimes, however, lictors were granted to persons as a mark of respect, or for the sake of protection. Thus, by a law of the triumvirs, every Vestal virgin was accompanied by a lictor whenever she went out,[11] and the honor of one or two lictors was usually granted to the wives and other female members of the imperial family.[12]

5. *Accensi.*

The *Accensi* were public officers who attended on several of the

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1 *Hor., Sat.*, i., 6, 86; *Suet., Vit. Hor. init.*
2 *Liv.*, i., 8.
3 *Gell.*, xii., 3.
4 *Liv.*, xxiv., 44; *Sall., Jug.*, 12; *Cic., Verr.*, v., 54.
5 *Cic., ad Q. fr.*, i., 1, 7.
6 *Liv.*, ii., 5; viii., 7.
7 *Id.*, xxiv., 44; *Sen., Ep.*, 64.
8 *Liv.*, ii., 55.
9 *Tacit., Ann.*, xiii., 27.
10 *Plut., Quæst. Rom.*, 81.
11 *Dion Cass.*, xlvii., 19.
12 *Tacit., Ann.*, i., 14; xiii., 2.

Roman magistrates. They summoned the people to the assemblies, and are hence thought to have derived their name (*ab acciendo*). They also summoned those who had law-suits to court. They preserved order in the assemblies and courts, and proclaimed the time of day, when it was the third hour, or nine o'clock in the morning; when it was mid-day, and when the ninth hour, or three o'clock in the afternoon. An accensus anciently preceded the consul who had not the fasces, and lictors without fasces walked behind him; which custom, after being disused, was restored by Julius Cæsar in his first consulship.[1] *Accensi* also attended on the governors of provinces,[2] and were commonly freedmen of the magistrate whom they accompanied.

6. *Viatores.*

The *Viator* was a servant who attended upon and executed the commands of certain Roman magistrates, to whom he bore the same relation as the lictor did to other magistrates. The name *viatores* was derived from the circumstance of their being chiefly employed on messages either to call upon senators to attend the meeting of the senate, or to summon the people to the comitia,[3] &c. How many viatores attended the magistrates is not known: one of them is said to have had the right, at the command of his magistrate, to bind persons (*ligare*), whence he was called *lictor*.[4] It is not improbable that the ancient writers sometimes confound *viatores* and *lictores*.[5]

7. *Carnifex.*

The *Carnifex* was the public executioner at Rome, who put slaves and foreigners to death,[6] but not citizens, since these last were punished in a manner different from slaves. It was also his business to administer the torture. This office was considered so disgraceful that he was not allowed to reside within the city,[7] but he lived without the *Porta Metia* or *Esquilina*,[8] near the place destined for the punishment of slaves,[9] called *Sestertium* under the emperors.[10]

8. *Stator.*

The *Stator* was a public servant who attended the Roman magis-

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[1] *Varro, L. L.*, vii., 58, *ed. Müller*; *Plin., H. N.*, vii., 60; *Suet., Jul.*, 20; *Liv.*, iii., 33. [2] *Cic., ad Q. fr.*, i., 1, 4. [3] *Cic., de Senect.*, 16.
[4] *Gell.*, xii., 3. [5] *Sigon., de Ant. Jur. Civ. Rom.*, ii., 15.
[6] *Plaut., Bacch.*, iv., 4, 37; *Capt.*, v., 4, 22. [7] *Cic., pro Rabir.*, 5.
[8] *Plaut., Pseud.*, i., 3, 98. [9] *Plaut., Cas.*, ii., 6, 2; *Tacit., Ann.*, xv., 60.
[10] *Plut., Galb.*, 20.

trates in the provinces. The *statores* seem to have derived their name from their standing by the side of the magistrate, and thus being at hand to execute all his commands. They appear to have been chiefly employed in carrying letters and messages.[1] Alexander Severus forbade the use of *statores* in the provinces, and commanded that their duties should be discharged by soldiers.[2]

Jan. 22. 1852.

CHAPTER X.

THE EMPERORS.—OFFICES UNDER THE EMPIRE.

TITLES OF AUGUSTUS.—GOVERNMENT OF THE PROVINCES.—THE COURT GOVERNMENT INTRODUCED BY CONSTANTINE.

I. The nature and character of the state administration, and the offices connected with it, gradually changed under the dominion of the emperors, though the shadow of the ancient government subsisted to the time of Constantine, who introduced a formal court despotism.

II. After Augustus had appropriated to himself the supreme power, he only avoided what was offensive in externals, while he permitted the people to invest him with the highest offices. Thus he accepted the titles of *Princeps Senatus*,[3] *Imperator*,[4] *Divus*, *Augustus*, &c.; he permitted himself to be nominated *Pontifex Maximus* as well as *Augur*. In like manner, he held the *Tribunicia protestas*, *Regimen morum*, the dignity of senator, and the *jus plurium relationum*, or right of making several propositions in the senate, as we have already remarked in a previous chapter.

III. In the days of the republic the *Imperator* was a superior commander, invested with extensive powers for certain undertakings, or it was a title of honor bestowed upon a general by a victorious army on the field of battle, or by the senate. From the time of Augustus, however, it denoted the supreme command over the whole military force of the empire, the right of making war and peace, and the power of life and death over all the citizens. The right of appeal to the people (*jus provocationis*) became extinct by the military power which the title of *Imperator* conferred on Augustus; for it was an old maxim of the Roman law, that from the sentence of a general in actual service there was no appeal. *Militiæ, ab eo, qui imperavit, provocatio ne esto.*

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[1] *Cic., Ep. ad Fam.*, ii., 17, 19; x., 21.

[2] *Dig.*, 4, tit. 6, s. 10; *Lamprid., Alex. Sev.*, 52.

[3] *Dion Cass.*, liii., 1.

[4] *Id.*, xliii., 44.

IV. The epithet *Augustus*, on the other hand, derived from *augur* (objects consecrated by augurs being termed *Augusta*), is equivalent to *sanctus* or *sacratus*; so that *Augustus* denoted a sacred and adorable person, but not a new power.[1] Connected with this was the sacred personal privilege of the tribunitian office, which last had been conferred on Augustus for life. This privilege, as we have already remarked, laid the foundation of the *crimen læsæ majestatis*, which proved with many subsequent emperors one of the chief supports of tyranny.

V. Augustus made also a new partition of the provinces. Those which were peaceable and less exposed to an enemy he left to the management of the senate and people, but of such as were exposed to hostile invasions, and where, of course, it was necessary to support a large military force, he undertook the government himself.[2] Accordingly, we find in the older jurists the division of *provinciæ* into those which were *propriæ populi Romani*, and those which were *propriæ Cæsaris*, and this division, with some modifications, continued to the third century.

VI. The senatorian provinces were distributed among those who had filled the offices of consul and prætor, two provinces being given to the *consulares*, and the rest to the *prætorii*.[3] These governors were called *Proconsules* or *Præsides*, which latter is the usual term employed by the old jurists for a provincial governor. The *præsides* had the *jurisdictio* of the *prætor urbanus* and *prætor peregrinus*, and their quæstors had the same jurisdiction that the curule ædiles had at Rome. The imperial provinces, on the other hand, were governed by *legati Cæsaris*[4] with prætorian power, the proconsular power being in the emperor himself, and the *legati* being merely his deputies or representatives. The *legati* were selected from those who had been consuls or prætors, or from the senators. They held their office and their power at the pleasure of the emperor, and he delegated to them both military command and jurisdictio, just as a proconsul in the republican period delegated these powers to his *legati*. These *legati* had also *legati* under them.

VII. No quæstors were sent to the provinces of the emperor. In place of quæstors there were *Procuratores Cæsaris*,[5] who were either *equites* or freedmen of the emperor, and who collected the taxes, all which belonged to the *fiscus* or treasury of the prince. In the senatorian provinces, on the other hand, the taxes went to the *ærarium*, or treasury of the state. Egypt was governed by an *eques*, with the title of *præfectus*. Judæa, which was a part of the province

[1] *Ovid, Fast.*, i., 612; *Suet., Aug.*, 7; *Dion Cass.*, liii., 16. [2] *Suet., Aug.*, 47.
[3] *Dion Cass.*, liii., 13. [4] *Id., l. c.* [5] *Tacit., Agric.*, 15.

of Syria, was governed by a *Procurator*, who had the power of a *legatus*,[1] and hence of punishing capitally, which a procurator usually could not do. It appears that there were also *Procuratores Cæsaris* in the senatorian provinces, who collected certain dues of the *fiscus*, which were independent of what was due to the *ærarium*. The regular taxes, as in the republican period, were the poll tax and land tax. The taxation was founded on a census of persons and property, which was established by Augustus. The *portoria* and other duties were farmed by the *publicani*, as in the republican period.

VIII. The division of the empire into the Eastern and Western, and the complete change of government consequent upon it, gave rise, with respect to state offices, to a distinction between real magistracies (*magistratus*) and mere dignities (*dignitates*), as well as a corresponding gradation of titles, unheard of at an earlier period.

IX. The most important officer was now the *Præfectus Prætorio*, or commander of the troops who guarded the emperor's person. This office was instituted by Augustus, and was at first only military, and had comparatively small power attached to it;[2] but under Tiberius, who made Sejanus commander of the prætorian troops, it became of much greater importance, till at length the power of these præfects became second only to that of the emperors.[3] From the reign of Severus to that of Diocletian, the prefects, like the viziers of the East, had the superintendence of all departments of the state, the palace, the army, the finances, and the law. They also had a court in which they decided cases.[4]

X. Originally there were two *præfecti-prætorio*; afterward sometimes one and sometimes two; from the time of Commodus sometimes three,[5] and even four. They were, as a regular rule, chosen only from the equites;[6] but from the time of Alexander Severus the dignity of senator was always joined with their office.[7] Under Constantine they were deprived of all military command, and changed into governors of provinces. He appointed four such prefects: the one who commonly attended on the imperial court had the command of Thrace, the whole of the East, and Egypt; the second had the command of Illyricum, Macedonia, and Greece, and usually resided first at Sirmium, and afterward at Thessalonica; the third of Italy and Africa; the fourth, who resided at Trèves, of

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[1] *Suet.*, *Vesp.*, 4; *Tacit.*, *Ann.*, xii., 23; xv., 44.
[2] *Dion Cass.*, lii., 24; lv., 10; *Suet.*, *Aug.*, 49.
[3] *Tacit.*, *Ann.*, iv., 1, 2; *Aurel. Vict.*, *de Cæs.*, 9.
[4] *Dig.*, 12, tit. 1, s. 40.
[5] *Lamprid.*, *Commod.*, 6.
[6] *Dion Cass.*, lii., 24; *Suet.*, *Tit.*, 6; *Lamprid.*, *Commod.*, 4.
[7] *Lamprid.*, *Alex. Sev.*, 21.

Gaul, Spain, and Britain.[1] These præfects were the proper representatives of the emperor, and their power extended over all departments of the state; the army alone was not subject to their jurisdiction.

XI. Next in rank was the *Præfectus Urbi*, an officer quite distinct from the one whom we have already described in a previous part of this volume (p. 115). The officer of whom we are now speaking was very different, though bearing the same name, and was instituted by Augustus on the suggestion of Mæcenas.[2] This new *præfectus urbi* was a regular and permanent magistrate, whom Augustus invested with all the powers necessary to maintain peace and order in the city. He had the superintendence of butchers, bankers, guardians, theatres, &c.; and, to enable him to exercise his power, he had distributed throughout the city a number of *milites stationarii*, whom we may compare to a modern police. He also had jurisdiction in cases between slaves and their masters, between patrons and their freedmen, and over sons who had violated the *pietas* toward their parents.[3] His jurisdiction, however, became gradually extended; and as the powers of the ancient republican *Præfectus Urbi* had been swallowed up by the office of the *prætor urbanus*, so now the power of the *prætor urbanus* was gradually absorbed by that of the *præfectus urbi*; and at last there was no appeal from his sentence, except to the prince himself, while any one might appeal from the sentence of any other city magistrate, and at a later period, even from that of a governor of a province to the præfectus urbi.[4]

XII. Another important officer under the empire was the *Præfectus Annonæ*, or præfect of provisions, especially of the corn-market. There was no regular magistrate of this kind under the republic, but one was only appointed in case of extraordinary scarcity, and then had the entire charge of supplying the capital with provisions, especially with corn, and fixed the price at which the latter was to be sold. Augustus created an officer under the title of *Præfectus Annonæ*, who had jurisdiction over all matters appertaining to the corn-market, and, like the *Præfectus Vigilum*, was chosen from the *equites*, and was not reckoned among the ordinary magistrates.[5]

XIII. Another important officer was the *Præfectus Vigilum*, who commanded the soldiers appointed to watch the city. Of these there were seven cohorts, one for every two regions, composed originally of freedmen, but afterward of others.[6] The *præfectus vig-*

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[1] *Zosimus*, ii., 33. [2] *Dion Cass.*, lii., 21; *Suet.*, *Aug.*, 37. [3] *Dig.*, 1, tit. 12, s. 1.
[4] *Vopisc.*, *Florian.*, 5, 6; *Suet.*, *Aug.*, 33; *Dion Cass.*, lii., 21, 33.
[5] *Dion Cass.*, lii., 24; *Dig.*, 1, tit. 2, s. 2, § 33. [6] *Suet.*, *Aug.*, 25, 30.

ilum took cognizance of incendiaries, thieves, vagrants, and the like; and if any atrocious case occurred, it was remitted to the præfect of the city. This præfect was chosen from the equites, and was not reckoned among the ordinary magistrates.

XIV. Other later official titles were the following: *Præpositus sacri cubiculi*, a lord of the bed-chamber. He had the superintendence of the *cubicularii*, or slaves who had the care of the sleeping and dwelling-rooms. 2. The care of every thing connected with the imperial household was committed to the *Comes sacrarum largitionum*, the *Comes rerum privatarum*, and the *Comes domesticorum*. 3. *Magister scriniorum*, who took charge of the imperial archives. 4. *Magister scrinii epistolarum*, the private secretary of the emperor, who was obliged also to answer certain law questions in writing. 5. *Magister libellorum*, the master of requests, who had the care of petitions. 6. *Comes dispositionum*, who took care of the decisions of the prince in matters of right.

XV. The titles and dignities introduced by the Emperor Theodosius were *nobilissimi*, applied to the imperial princes; *illustres* were the high officers of the state, from the *præfectus prætorio* to the *Comes domesticorum*. Individuals of proconsular, consular, or senatorian rank were termed *spectabiles* and *clarissimi*; governors of inferior importance, *perfectissimi*; and the remaining magistrates, *egregii*. The members of the privy council were called *silentiarii*.

Jan 24, 1852

CHAPTER XI.

RIGHTS OF ROMAN CITIZENS.

MAIN DIVISION.—SUMMARY OF PRIVATE RIGHTS.—RIGHT OF LIBERTY.—RIGHT OF FAMILY.—RIGHT OF MARRIAGE.—RIGHT OF A FATHER.—RIGHT OF PROPERTY.—RIGHT OF TESTAMENT AND INHERITANCE.—RIGHT OF TUTELAGE OR WARDSHIP.

I. The rights of Roman citizens were either private or public; the former were properly called *Jus Quiritium*, and the latter *Jus Civitatis*.

II. The private rights of Roman citizens were the following: 1. *Jus Libertatis*, the right of Liberty. 2. *Jus Gentilitatis et Familiæ*, the right of Family. 3. *Jus Connubii*, the right of Marriage. 4. *Jus Patrium*, the right of a Father. 5. *Jus Dominii Legitimi*, the right of legal Property. 6. *Jus Testamenti et Hæreditatis*, the right of making a Will, and of succeeding to an Inheritance. 7. *Jus Tutelæ*, the right of Tutelage or Wardship.

1. *Right of Liberty.*

I. This comprehended liberty not only from the power of masters, but also from the dominion of tyrants, the severity of magistrates, the cruelty of creditors, and the insolence of more powerful citizens.

II. After the expulsion of Tarquin, a law was made by Brutus that no one should be king at Rome, and that whoever should form a design of making himself king might be slain with impunity. At the same time, the people were bound by an oath that they would never suffer a king to be created.

III. Roman citizens were secured against the tyrannical treatment of magistrates, first, by the right of appealing from them to the people (*jus provocationis*), and that the person who appealed should in no manner be punished till the people determined the matter; and, secondly and chiefly, by the assistance of the tribunes of the commons.

IV. None but the whole Roman people in the *Comitia Centuriata* could pass sentence on the life of a Roman citizen. No magistrate was allowed to punish him by stripes or capitally, this being expressly forbidden by the Porcian laws. Thus the greatest punishment that could be *legally* inflicted at Rome, after the passage of these enactments, was simple banishment; until Cæsar, in his dictatorship, added the forfeiture of all property in the case of those convicted of wilful murder, and the half of it for all other offences.

An exception, however, to these general observations must be made in the case of those critical conjunctures when the senate required the consuls to take care that the state received no detriment; and then the formalities of trial, and the right of appeal, with respect to traitorous individuals, were frequently dispensed with. This, however, was always considered a stretch of arbitrary power, and could only be justified in the greatest emergency.[1]

V. The Roman law as to the payment of borrowed money was very strict,[2] and came into direct collision with the *Jus Libertatis*. A curious passage of Gellius gives us the ancient mode of legal procedure in the case of debt, as fixed by the *Twelve Tables*.[3] If the debtor admitted the debt, or had been condemned in the amount of the debt by a judex, he had thirty days allowed him for payment. At the expiration of this time he was assigned over to the creditor (*addictus*) by the sentence of the prætor. The creditor was required to keep him for sixty days in chains, during which time he publicly exposed the debtor on three *nundinæ*, and proclaimed the amount of

[1] Compare *Sall., Cat.*, 29. [2] *Lex Gall. Cisalp.*, 21, 22. [3] *Gell.*, xx., 1.

his debt. If no person released the prisoner by paying the debt, the creditor might sell him as a slave or put him to death. If there were several creditors, the letter of the law allowed them to cut the debtor in pieces, and to take their share of his body in proportion to their debt. Gellius says that there was no instance of a creditor ever having adopted this extreme mode of satisfying his debt. But the creditor might treat the debtor, who was addictus, as a slave, and compel him to work out his debt; and the treatment was often very severe.

The meaning of the provision in the Twelve Tables cited by Gellius, as to cutting the debtor in pieces, has been a subject of much discussion. Bynkershoek endeavors to prove that the creditors were entitled to divide, not the body, but the price of the insolvent debtor; and his opinion has been adopted by Taylor[1] and other learned civilians. But this explanation can neither be reconciled with the obvious meaning of the words, nor with the ancient mode of understanding them. The same laws which conferred on the father of a family the power of life and death over his wife and children, and which awarded capital punishment against the author of a satirical poem, may without much difficulty be conceived to have disposed of a poor debtor's person in the most summary manner; and that the unrelenting treatment of debtors was a ground of open dissension between the different orders of people, is obvious to every person acquainted with ancient history.

VI. To check the cruelty of creditors, a law was passed whereby it was provided that no debtors should be kept in iron or bonds; and that the goods of the debtor, not his person, should be given up to his creditors.[2] But the people, not satisfied with this, as it did not free them from prison, often afterward demanded an entire abolition of debts, which they used to call *Novæ Tabulæ*, from the circumstance of waxen tablets being employed, among other uses, for the keeping of accounts. A total abolition of debts, however, was never granted them. At one time, indeed, by a law of Valerius Flaccus, B.C. 87, silver was paid with brass, as Sallust[3] expresses it, that is, the fourth part of the debt was paid, an *as* for a *sestertius*, and a *sesterius* for a *denarius*, or 25 for 100, and 250 for 1000. Julius Cæsar, after his victory in the civil war, enacted something of the same kind.[4]

The *sestertius* was originally equal to two *asses* and a half, and the *denarius* to ten. When, however, the weight of the *as* was diminished to one ounce, a *denarius* passed for sixteen *asses*, and a *sestertius* for four, which proportion continued when the *as* was reduced to half an ounce.

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[1] *Comment. ad L. Decemv., de inope debitore in partes dissecando.*
[2] *Liv.*, viii., 28. [3] *Cat.*, 33. [4] *Bell. Civ.*, iii., 1; *Suet., Jul.*, 14.

2. *Right of Family.*

Each *gens* and each family had certain sacred rites peculiar to itself, which went by inheritance in the same manner as effects. When heirs by the father's side of the same family (*agnati*) failed, those of the same *gens* (*gentiles*) succeeded, in preference to relations by the mother's side (*cognati*) of the same family (*familia*). No one could pass from a patrician family to a plebeian, or from a plebeian to a patrician, unless by that form of adoption, which could only be made at the *Comitia Curiata.* Thus Clodius, the enemy of Cicero, was adopted into a plebeian family in order that he might be created a tribune of the commons.[1]

3. *Right of Marriage.*

No Roman citizen was permitted to marry a slave, a barbarian, or a foreigner, unless by the permission of the people.[2] Such a union, if contracted without this permission, was termed *contubernium*, "a living together," whereas a legal marriage was denominated *connubium.* By the laws of the decemviri, intermarriages between the patricians and plebeians were prohibited. But this restriction was soon removed.[3] Afterward, however, when a patrician lady married a plebeian, she was said *Patribus enubere*, and was excluded from the sacred rites of patrician ladies.[4] When any female married out of her class, it was called *Gentis enuptio*, which likewise seems anciently to have been forbidden.

4. *Right of a Father.*

I. A father among the Romans had the power of life and death over his children. In the first place, he could expose them when infants, which cruel custom prevailed at Rome for many ages;[5] and a new-born infant was not held legitimate unless the father, or, in his absence, some person for him, lifted it from the ground, and placed it on his bosom. Hence *tollere filium*, "to rear a son;" *non tollere*, "to expose one."

II. In the second place, even when his children were grown up, a father might imprison, scourge, send them bound to work in the country, sell them as a *res mancipi*, either by way of punishment, or by way of dissolving the family connection, and even put them to death.[6] He could also give them in marriage, divorce them, give

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[1] *Cic., pro Dom.*, 15; *ad Att.*, i., 18, 19.
[2] *Liv.*, xxxviii., 36.
[3] *Id.*, iv., 6.
[4] *Id.*, x., 23.
[5] *Cic., de Leg.*, iii., 8; *Sen., de Ira*, i., 15; *Ter., Heaut.*, iv., 1; *Suet., Aug.*, 65, &c.
[6] *Sall., Cat.*, 39; *Liv.*, ii., 41; viii., 7.

them in adoption, and emancipate them at pleasure. A son, moreover, could acquire no property but with his father's consent, and what he did thus acquire was called his *Peculium*, as in the case of a slave.

III. The condition of a son was, in some respects, harder than that of a slave. A slave, when once sold, became free, but a son not unless sold three times.

IV. The power of the father was suspended when the son was promoted to any public office, but not extinguished; for it continued not only during the life of the children, but likewise extended to grandchildren and great-grandchildren. None of them became their own masters (*sui juris*) till the death of their father and grandfather. The emancipation of the child by the father was a common mode of dissolving the *Patria potestas*, or father's right. A daughter by marriage passed from the power of her father under that of her husband.

V. The strict notion of the *Patria potestas* lies at the foundation of the Roman polity. Like other institutions, however, which in the early history of a state form its essential elements, the strict character of the *Patria potestas* became gradually relaxed and greatly changed. This change commenced in the time of Augustus, when the son was empowered to acquire for himself and to treat as his own whatever he got in military service. This was called his *Castrense Peculium*, with respect to which he was considered as a person *sui juris*. But if the son died without having made any disposition of this *Castrense peculium*, it came to the father; and this continued to be the law till Justinian altered it. The privileges of a son as to the acquisition of property were extended under Constantine to his acquisitions made during the discharge of civil offices, and as this new privilege was framed after the analogy of the *Castrense peculium*, it was designated by the name *Quasi Castrense Peculium*. Farther privileges of the same kind were also granted by Constantine, and extended under subsequent emperors.

VI. The first change made in the power of a father over the persons of his children appears to have been in the reign of Trajan. The precedent established by that emperor was followed by Hadrian, who banished a father for putting to death a son under peculiar circumstances. Subsequently, from the time of Alexander Severus, the custom prevailed of handing over to the regular magistrates those sons who had been guilty of more heinous offences than ordinary, until at length the power of life and death was taken entirely from fathers by a penal statute of Constantine.[1]

[1] *Heinecc., Antiq. Rom. Syntagm.*, i., 9, p. 123, *ed. Haubold.*

Emancipation and Adoption.

I. The emancipation of a son by the father has already been alluded to by us. A few additional remarks, in further explanation of the same, may not here be inappropriate.

II. *Emancipatio* was an act by which the *Patria potestas* was dissolved in the lifetime of the parent, and it was so called because it was in the form of a sale (*mancipatio*). By the Twelve Tables it was necessary that a son should be sold three times in order to be released from the paternal power or to be *sui juris*. In the case of daughters and grandchildren, one sale was sufficient. The father transferred the son, by the form of a sale, to another person, who manumitted him, upon which he returned into the power of the father. This was repeated, and with the like result. After a third sale the paternal power was extinguished, but the son was resold to the parent, who then manumitted him, and so acquired the rights of a patron over his emancipated son, which would otherwise have belonged to the purchaser who gave him his final manumission.[1]

III. The legal effect of emancipation was to make the emancipated person become *sui juris;* and all the previously-existing relations of *agnatio* between the parent's *familia* and the emancipated child ceased at once. The emancipated child could not take any part of his parent's property as heir, in case the parent died intestate. But this rigor of the civil law was modified by the prætor's edict, which placed emancipated children on the same footing with the rest. On the other hand, if an emancipated child died intestate, the father would inherit as patron.

IV. The Emperor Athanasius introduced the practice of effecting emancipation by an imperial rescript when the parties were not present.[2] Justinian enacted that emancipation could be effected before a magistrate.

V. When a man had no children of his own, lest his sacred rites and name should be lost, he might assume others as his children by *adoption.* If the person adopted was his own master (*sui juris*), it was called *Arrogatio*, because it was made at the *Comitia Curiata*, by proposing a bill to the people (*per populi rogationem*). If he was the son of another, it was properly called *adoptio*, and was performed before the prætor, or the governor of a province, or any other magistrate (*apud quem legis actio erat*). The same formalities were observed as in emancipation. It might be done in any place.[3] The adopted person passed into the family, the name, and the sacred rites of the adopter, and also succeeded to his fortune.

[1] *Liv.*, vi., 14; vii., 16. [2] *Cod.*, 8, tit. 49, s. 5. [3] *Suet.*, *Aug.*, 64.

VI. Females could not be adopted by the *arrogatio*, neither could a female adopt a person, for even her children were not in her power. Under the emperors it became the practice to effect the *arrogatio* by an imperial rescript; but this had not become established in the time of Gaius, or, as it appears, of Ulpian.

Jan. 24. 1852

5. *Right of Property.*

I. Things, with respect to property among the Romans, were variously divided. Some things were said to be of *Divine Right*, others of *Human Right:* the former were called *sacred* (*res* SACRÆ); as *altars*, *temples*, or any thing publicly consecrated to the gods by the authority of the pontiffs; or *religious* (RELIGIOSÆ); as *sepulchres*, &c.; or *inviolable* (SANCTÆ, i. e., *aliqua sanctione munitæ*); as the walls and gates of a city.[1]

II. Things of human right were called *Profane* (*res* PROFANÆ); and were either PUBLIC and COMMON, as *the air*, *running water*, *the sea*, *its shores*,[2] &c; or PRIVATE, which might be the property of individuals. Things which belonged to no one were called RES NULLIUS; as *parts of the world not yet discovered*, *animals not claimed*, &c.

III. Private things among the Romans were either RES MANCIPI or NEC MANCIPI. By *res* MANCIPI were meant those things which might be sold and alienated, or the property of them transferred from one person to another, by a certain rite used among Roman citizens only; so that the purchaser might take them, as it were, with his hand (*manu caperet*); whence he was called *Manceps*, and the things *res Mancĭpi*, vel *Mancŭpi*, contracted for *Mancipii*. And it behooved the seller to be answerable for them to the purchaser, to secure the possession, or, in other words, to guarantee their possession and enjoyment.[3]

IV. By *res* NEC MANCIPI were meant those things which could not be thus transferred, and which the purchaser took at his own risk, without any guarantee.[4] Hence the following expression in Lucretius, *Vita mancipio nulli datur*,[5] "Life is given to no one in sure possession," *i. e.*, in perpetuity.

V. The *res* MANCIPI were, 1. Farms either in town or country within Italy (*Prædia urbana et rustica in solo Italico*); or, in the provinces, if any city or place had attained the *Jus Italicum*. Other farms in the provinces, merely occupied by a person, but not his property, were called *possessiones*, not *prædia*. 2. Slaves. 3. Quadrupeds trained to work, as horses, oxen, mules, &c. 4. Pearls.[6]

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[1] *Macrob.*, *Sat.*, iii., 3.
[2] *Ovid*, *Met.*, i., 135; vi., 349.
[3] *Cic.*, *pro Muræn.*, 2.
[4] *Plaut.*, *Pers.*, iv., 3, 55.
[5] *Lucret.*, iii., 985.
[6] *Plin.*, *H. N.*, ix., 35.

5. The rights of country farms, technically called *servitudes* (*Servitutes*), such as the right of going on foot through the farm of another, commonly called the right of way; the right of carrying water, either by canals or leaden pipes; the right of driving cattle to water; the right of making lime; of digging sand, &c.

VI. Buildings in the city, with the ground on which they stood, were technically called *Prædia Urbana*. The servitudes of these were, 1. *Servitus* ONERIS FERENDI, when one was bound to support the house of another by his pillar or wall: 2. *Servitus* TIGNI IMMITTENDI, when one was bound to allow a neighbor to drive a beam, a stone, or iron into his wall, for *tignum* among the Roman jurists signified all kinds of materials for building. 3. *Servitus* STILLICIDII ET FLUMINIS, whereby one was obliged to let the water which fell from his house run into the garden or area of his neighbor, to be used by the latter, or to receive the water which fell from his neighbor's house into his own area. The technical meaning of *stillicidium* is rain in drops; when collected in a flowing body it is *Flumen*. 4. *Servitus* CLOACÆ, the right of conveying a private common sewer through the property of a neighbor into the *Cloaca Maxima*. 5. *Servitus* NON ALTIUS TOLLENDI, whereby one was bound not to raise his house above a certain height, so as not to obstruct the prospect and lights of his neighbor. The height of houses was limited by law, under Augustus, to 70 feet. 6. *Servitus* LUMINUM, that one should not make new windows in his wall, &c.

Modes of acquiring Property.

I. The transferring of the property of *res Mancipi* was made by a certain act called *Mancipatio* or *Mancipium*,[1] in which the same formalities were observed as in emancipating a son, only that it was done but once. Hence *dare mancipio*, to convey the property of a thing in that manner; and *sui mancipii esse*,[2] to be one's own master. So, also, *emancipare fundos*,[3] to divest one's self of the property in lands, and convey it to another.

II. There were various other modes of acquiring legal property; as, for instance, 1. *Jure Cessio*, or *Cessio in Jure*,[4] when a person gave up his effects to any one before the prætor or governor of a province, who adjudged them to the person who claimed them. This chiefly took place in the case of debtors, who, when they were insolvent, gave up their goods to their creditors. 2. *Usucaptio*[5] or *Usucapio*, when one obtained the property of a thing by possessing it for a certain time without interruption, according to the laws of

[1] *Cic., Off.*, iii., 16; *de Orat.*, i., 39.
[2] *Id., ad Brut.*, 16.
[3] *Plin., Ep.*, x., 3.
[4] *Cic., Top.*, 5.
[5] *Id., de Leg.*, i., 21.

the Twelve Tables; for two years if it was a farm or immovable, and for one year if the thing was movable.[1] But this took place only among citizens; in the case of a foreigner (*peregrinus*) there was no *usucaptio*,[2] neither was it allowed in provincial land. Subsequently, however, a longer time was necessary to constitute prescription, and, by a constitution of Justinian, it was enacted that there might be *usucaptio* of *Res Mobiles* in three years, and of *Res Immobiles* in ten years among those who were present, and in twen ty years among those who were absent.

III. A third mode of acquiring legal property was by *Auctio*, whereby things were exposed to public sale, and persons bid against one another. The time, place, and conditions of the sale were announced either by a public notice or by a crier (*præco*). The crier seems to have acted the part of the modern auctioneer, so far as calling out the biddings and amusing the company.[3] The whole sale was generally under the superintendence of an *argentarius* or *magister auctionis*. It was usual to put up a spear (*hasta*) at auctions, a symbol derived, it is said, from the ancient practice of selling under a spear the booty obtained in war. Hence *sub hasta vendere*,[4] "to sell at auction."

6. *Right of Testament and Inheritance.*

I. None but Roman citizens, *sui juris*, could make a will, or be witnesses to one, or inherit any thing by one. The following persons, consequently, could not make a will, namely, those who were in the *potestas* or *manus* of another, or *in mancipii causa*, as sons and daughters, wives *in manu*, and slaves. So, also, *peregrini* could not dispose of their property according to the form of a Roman will. A minor, moreover, could not dispose of property by will even with the consent of his *tutor* or guardian; when, however, a male was fourteen years of age, he obtained this right, and a female obtained the same, subject to certain restraints, on the completion of her twelfth year.

II. Women had originally no power to make a will, and, when they did acquire this power, they could only exercise it with the *auctoritas* of a *tutor* or guardian. Of course, a daughter in the power of her father, whether she was unmarried or married, and a wife *in manu*, could never make a will. The Vestal Virgins, however, had no *tutor*, and yet they could make a will. The Twelve Tables released them from all *tutela* or guardianship, "*in honorem sacerdotii*."[5]

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[1] *Plin. Ep.*, v., 1. [2] *Cic., Off.*, i., 12. [3] *Id. ib.*, ii., 23.
[4] *Id. ib.*, ii., 9. [5] *Id., de Rep.*, iii., 10; *Gaius*, i., 145.

III. Originally there were only two modes of making a will; for people made their wills either at the *Comitia Curiata*, which were in that case properly called *Calata*, being *summoned* twice a year for this purpose, or else they made their wills *in procinctu*, that is, when they were going to battle,[1] for an army in movement and under arms is *Procinctus*. In this latter case he named (*nuncupavit*) his heir in the presence of his fellow-soldiers, without writing. Hence, figuratively, *in procinctu carmina facta* is the expression applied by Ovid to the poems composed by him at Tomi, where he was in continual danger of an attack from the Getæ.

IV. A third mode of making wills was subsequently introduced, which was effected *per æs et libram*, that is, by an imaginary sale, and this became the usual method. The form of proceeding was as follows: the testator, after having written his will, called together five witnesses, who were Roman citizens and of full age, and also a *libripens* (so named from holding a pair of brazen *scales*), by an imaginary sale disposed of his *familia* and fortunes to a friend, who was called *Familiæ Emptor*, and who, having struck the scales with a piece of money, gave this to the seller as a symbol of the price (*quasi pretii loco*). Then the testator, taking the will in his hand, said, "Hæc ita ut in his tabulis cerisque (or cerisve) scripta sunt ita do, ita lego, ita testor, itaque vos, Quirites, testimonium mihi perhibetote." This was called the *Nuncupatio*,[2] or publishing of the will; in other words, the testator's general confirmation of all that he had written in his will. The *familiæ emptor* was not the actual heir, but was only admitted for the sake of form (*dicis causa*), in order that the testator might seem to have alienated his effects in his lifetime, and the testator instructed him what he wished to be given to each of his heirs after his death.

V. In the earlier ages of Rome, it is not probable that wills were written, neither does it appear that a written will was ever required by law. In those ages, therefore, the form of proceeding *per æs et libram* would be unaccompanied by any written will, and the testator's disposition of his property would be a verbal one, short and simple in its nature, and easily remembered. Written wills, however, were the common form among the Romans in the later republican and in the imperial periods. They were written on tablets of wood or wax, whence the expressions *prima cera* for *prima pars tabulæ*, "the first part of the will," and *cera extrema* or *ima* for the last part. The will was written in the Latin language until A.D. 439, when it was enacted that wills might be in Greek.[3]

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[1] *Cæs., Bell. Gall.*, i., 39; *Vell. Pat.*, ii., 5; *Cic., de Or.*, i., 53.

[2] *Plin., Ep.*, viii., 18.

[3] *Cod.*, 6, tit. 23, s. 21.

VI. It does not appear that there was originally any signature by the witnesses. The will was sealed, indeed, but this might be done by the testator in secret, for it was not necessary that the witnesses should know the contents of the will; they were witnesses merely to the formal act of mancipatio or sale, and to the testator's declaration that the tablets which he held in his hand contained his last will. It must, however, have been in some way so marked as to be recognized, and the practice of the witnesses sealing and signing the will became common. It was necessary for the witnesses both to seal (*signare*), that is, to make a mark with a ring (*annulus*), or something else, on the wax, and to add their names (*adscribere*). The five witnesses signed their names with their own hand, and their adscription also declared whose will it was that they sealed.[1] The seals and adscription were both on the outside.

VII. When the will was sealed, it was deposited with some friend, or in a temple, or with the Vestal Virgins, and after the testator's death it was opened (*resignare*) in due form. The witnesses, or the major part, were present, and, after they had acknowledged their seals, the thread which secured the tablets was broken, and the will was opened and read, and a copy was made. The original was then sealed with the public seal and placed on the *archium*, whence a fresh copy might be got if the first copy should ever be lost.[2]

VIII. A man might disinherit his own children, one or all of them, and appoint what other persons he pleased to be his heirs.[3] A testament of this kind was called *Inofficiosum*, and when the children brought an action for annulling it, it was said to be done *per querelam Inofficiosi*.[4]

IX. Sometimes a man left his fortune in trust (*fidei committebat*) to a friend on certain conditions, particularly that he should give it up to some person or persons. Whatever was left in this way was called *Fideicommissum*, "a trust," and the person to whom it was thus left was called *Hæres Fiduciarius*, who might be either a citizen or a foreigner.[5]

X. It was usually required by the will that the heir should enter upon the inheritance within a certain time, in sixty or one hundred days at most.[6] This act was called *Hæreditatis Cretio*, that is, the determination of the heir respecting the inheritance, whether he would take it or not. Hence the phrase *cernere hæreditatem*.[7] The inheritance was commonly divided into twelve parts, called *unciæ*.

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[1] *Dig.*, 28, tit. i., s. 30. [2] *Paulus*, iv., 6. [3] *Plin.*, *Ep.*, v., 1.
[4] *Inst.*, 2, tit. 18; *Dig.*, 5, tit. 2, *De Inofficioso Testamento*; *Savigny*, *System*, &c., vol. ii., p. 127. [5] *Gaius*, ii., 247, *seqq.*
[6] *Cic.*, *ad Att.*, xiii., 46; *de Orat.*, i., 22; *Plin.*, *Ep.*, x., 79. [7] *Varro*, *L. L.*, vi., 5.

The whole was called *As*. Hence *hæres ex asse*, "heir to one's whole fortune;" *hæres ex semisse*, *ex triente*, *dodrante*, &c., "to the half, third, three fourths," &c.

7. *Right of Tutelage or Wardship.*

I. Any father of a family might leave whom he pleased as guardians (*tutores*) to his children.[1] But if he died intestate, this charge devolved by law on the nearest relation by the father's side. Hence it was called *Tutela Legitima*. This law is generally blamed, since, in later times, it gave occasion to many frauds in prejudice of wards (*pupilli*).[2]

II. When there was no guardian by will, nor any legal one, then a guardian was appointed to minors and to women by the prætor and the majority of the tribunes of the commons by the Atilian law, made B.C. 311. But this law was afterward changed.

III. It was an old rule of the Roman law that a woman could do nothing "*sine auctore*," that is, without a *tutor* to give her acts a complete legal character;[3] and a husband at his death might appoint a guardian to his wife, as to his daughter, or might leave her the choice of her own guardians.[4] This *tutela mulierum* existed at least as late as Diocletian, A.D. 293.[5] There is no trace of it, however, in the code of Theodosius, or in the legislation of Justinian.

IV. If any guardian did not discharge his duty properly, or defrauded his ward, there was an action against him (*judicium tutelæ*).[6] Under the emperors, guardians were obliged to give security for their proper conduct (*rem pupilli fore salvam*). A signal instance of punishment inflicted upon a faithless guardian is recorded by Suetonius.[7]

V. Puberty, according to the Roman law, commenced, in the case of the male, on the completion of the fourteenth year, and in the case of the female on that of the twelfth. With the attainment of puberty, a person obtained the full power over his property, and the tutela ceased. Jan. 26. 1852.

PUBLIC RIGHTS OF ROMAN CITIZENS.

The Public Rights of Roman citizens were the following: 1. *Jus Census*; 2. *Jus Militiæ*; 3. *Jus Tributorum*; 4. *Jus Suffragii*; 5. *Jus Honorum*; 6. *Jus Sacrorum*.

I. *Jus Census*. By this is meant the right of being enrolled in

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[1] *Liv.*, i., 34. [2] *Horat.*, *Sat.*, ii., 5; *Juv.*, *Sat.*, vi., 38; *Cic.*, *Brut.*, 96.
[3] *Liv.*, xxxiv., 2; *Cic.*, *Flacc.*, 34, 35. [4] *Liv.*, xxxix., 19. [5] *Vat.*, *Frag.*, §325.
[6] *Cic.*, *pro Q. Rosc.*, 6; *Orat.*, i., 36; *Cæcin.*, 3. [7] *Suet.*, *Galb.*, 9.

the censor's books. This has already been considered by us in the account of the census.

II. *Jus Militiæ.* By this is meant the right of serving in the army. At first none but citizens were enlisted, and not even those of the lowest class. But in after times this was altered, and soldiers were taken not only from Italy and the provinces, but also, at last, from barbarous nations.

III. *Jus Tributorum.* By *Tributum* is meant money publicly imposed upon the people, and which was exacted from each individual according to the valuation of his estate. The usual amount was one for every thousand of a man's fortune,[1] though in the time of Cato it was raised to three in a thousand. After the war with Macedonia (B.C. 147), when the Roman treasury was filled with the revenues accruing from conquests and from the provinces, the Roman citizens became exempted from paying the *tributum*,[2] and this state of things lasted down to the consulship of Hirtius and Pansa (B.C. 43), when the tributum was again levied on account of the exhausted state of the treasury.[3] After this time it was imposed according to the discretion of the emperors.

The general term for all the regular revenues of the Roman state was *Vectigalia.*[4] The word *vectigal* is derived from *veho*, and means probably any thing that is brought (*vehitur*) into the public treasury, like the Greek φόρος. The earliest regular income of the state was, in all probability, the rent paid for the use of the public land and pastures. This revenue was called *Pascua*, a name which was used as late as the time of Pliny,[5] in the tables or registers of the censors, for all the revenues of the state in general.

The principal branches of the public revenues were the following: 1. *Decumæ*, the tenth part of corn and the fifth part of other fruits, which were exacted from those who tilled the public lands either in Italy or without it; 2. *Scriptura*, the sums paid by those who kept their cattle on the public pastures. This tax was so called because they who wished to feed their cattle in this way subscribed their names before the proper officer; 3. *Portorium.* The harbor duties raised upon imported and exported commodities; 4. *Salinæ.* The revenue derived from the salt-works; 5. *Metalla.* The revenues derived from the mines. The mines of Italy appear to have been worked until the Romans became masters of foreign countries; after this they were forbidden to be worked by a decree of the senate; 6. *Vicesima.* The twentieth part of the value of any slave who

[1] *Liv*, xxiv., 15; xxxix., 7. [2] *Cic., de Off.*, ii., 22; *Plin., H.N.*, xxxiii., 17.
[3] Compare *Cic., ad Fam.*, xii., 30; *Philip.*, ii., 37.
[4] *Cic., pro Leg. Manil.*, 6. [5] *Plin., H.N.*, xviii., 3.

was freed; 7. *Centesima.* The hundredth part of the value of all things that were sold.[1]

The taxes were let publicly by the censors at Rome. They who farmed them were called *Publicani* or *Mancipes.*

IV. *Jus Suffragii.* The right of voting in the different assemblies of the people.

V. *Jus Honorum.* The right of bearing public offices in the state. These were either priesthoods or magistracies, which at first, as already remarked, were conferred only on patricians, but afterward were all, except a few sacerdotal offices, shared with the plebeians.

VI. *Jus Sacrorum.* Sacred rites were either public or private. The public were those performed at the public expense; the private were those which every one privately observed at home. The Vestal Virgins preserved the public hearth of the city; the *curiones*, with their *curiales*, or members of the *curia*, kept the hearths of the thirty *curiæ;* the priests of each district, or *pagus*, kept the fires of the same. Each *gens* had certain sacred rites peculiar to itself (*gentilitia*), which it did not intermit even in the heat of war. Every father of a family had his own household gods, whom he worshipped privately at home. No new or foreign divinity could be adopted by the Romans unless by public authority. Thus Æsculapius was publicly sent for from Epidaurus, and Cybele from Phrygia.

LOSS OF CIVIL RIGHTS.

I. It was a maxim of Roman law that no one could be a citizen of Rome who suffered himself to be made a citizen of any other city.[2] And no one could lose the freedom of the city against his will. If the rights of a Roman citizen were taken from any one, either by way of punishment or for any other cause, some fiction of law always took place. Thus, when citizens were banished, they did not expel them by force, but their goods were confiscated, and they themselves were forbidden the use of fire and water (*iis igne et aqua interdictum est*),[3] which obliged them to repair to some foreign place. By this sentence the *caput* or citizenship of the individual was taken away.

II. Other kinds of banishment were called *Relegatio*, but between them and the one just described there existed this important difference, that *relegatio* did not carry with it any loss of citizenship or property, except so far as the sentence of *relegatio* might extend to part of the individual's property. Of *relegatio* there were two kinds: a person might be forbidden to live in a particular province, or in

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[1] *Cic., Ep. ad Brut.*, i., 18; *pro Rab. Post.*, 11.

[2] *Cic., pro Cæcin.*, 36; *Nepos, Vit. Att.*, 3.

[3] *Paulus, Dig.*, 48, tit. 1, s. 2.

Rome, and either for an indefinite or a definite time; or else an island might be assigned to the *relegatus* for his residence. The *relegatus* retained his citizenship, the ownership of his property (excepting as just stated), and the *patria potestas*, whether the *relegatio* was for a definite or an indefinite time. The *relegatio*, in fact, merely confined the person within, or excluded him from, particular places.[1]

III. *Deportatio in insulam*, or *deportatio* simply, was introduced under the emperors in place of the *aquæ et ignis interdictio*.[2] The consequence of *deportatio* was loss of property and citizenship, but not of freedom. *Deportatio*, moreover, was always for an indefinite time. The *relegatus* went into banishment; the *deportatus* was conducted to his place of banishment, sometimes in chains.

IV. Any loss of liberty, or of the rights of citizens, was called *Diminutio capitis*.[3] Hence *capitis minor*, scil. *ratione* vel *respectu*, or *Capite diminutus*, "lessened in his state," or "degraded from the rank of a citizen."[4] The loss of liberty, which included the loss of the city and of one's family, was called *diminutio capitis maxima*; banishment, *diminutio media*; any change of family, *diminutio minima*.

V. If a Roman citizen during war came into the possession of an enemy, he sustained a *diminutio capitis maxima*, and all his civil rights were in abeyance. Being captured by the enemy, he became a slave; but his rights over his children, if he had any, were not destroyed, but were said to be in abeyance (*pendere*) by virtue of the *Jus Postliminii*, or right of return.[5] When he returned his children were again in his power; and if he died in captivity, they became *sui juris*. The *jus postliminii* was founded on the fiction of the captive never having been absent from home; a fiction which was of easy application, for as the captive during his absence could not do any legal act, the interval of captivity was a period of legal non-activity, which was terminated by his showing himself again.

GENTES AND FAMILIÆ.—NAMES OF THE ROMANS.

I. The Romans were divided into various houses or clans (*Gentes*), and each *gens* into several families (*familiæ*). Thus in the *Gens Cornelia* were the families of the *Scipiones*, *Lentuli*, *Cethēgi*, *Dolabellæ*, *Cinnæ*, *Sullæ*, &c.

II. Those of the same *gens* were called *Gentiles*, and those of the same family *Agnati*.[6] But relations by the father's side were also

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[1] *Ovid*, *Trist.*, ii., 137; v., 11; *Suet.*, *Aug.*, 16; *Tib.*, 50; *Tacit.*, *Ann.*, iii., 17.
[2] *Ulpian*, *Dig.*, 48, tit. 13, s. 3; tit. 19, s. 2.
[3] *Cic.*, *pro Mil.*, 36; *Sall.*, *Cat.*, 37.
[4] *Horat.*, *Od.*, iii., 5, 42.
[5] *Dig.*, 49, tit. 15, s. 14.
[6] *Cic.*, *Top.*, 6; *Festus*, *s. v. Gentiles*.

called *Agnati*, to distinguish them from *Cognati*, relations only by the mother's side. An *agnatus* might also be a *cognatus*, but not the contrary. Thus *patruus*, the father's brother, was both an *agnatus* and a *cognatus*; but *avunculus*, the mother's brother, was only a *cognatus*.

III. To mark the different *gentes* and *familiæ*, and to distinguish the different individuals of the same family, the Romans, at least the more noble of them, had commonly three names, the *Prænomen*, *Nomen*, and *Cognomen*.[1]

IV. The PRÆNOMEN was put first, and marked the individual. It was commonly written with one letter; as, A. for *Aulus*; C. for *Caius*; D. for *Decimus*; K., *Kæso*; L., *Lucius*; M., *Marcus*; M'., *Manius*; N., *Numerius*; P., *Publius*; Q., *Quintus*; T., *Titus*. Sometimes with two letters; as, *Ap.*, *Appius*; *Cn.*, *Cneius*; *Sp.*, *Spurius*; *Ti.*, *Tiberius*; and sometimes with three; as *Mam.*, *Mamercus*; *Ser.*, *Servius*; *Sex.*, *Sextus*, &c.

V. The NOMEN was put after the *Prænomen*, and marked the *gens*, and commonly ended in *ius*; as *Cornelius*, *Fabius*, *Julius*, *Octavius*, &c.

VI. The COGNOMEN was put last, and marked the *familia*; as, *Cicero*, *Cæsar*, &c. Thus, in *Publius Cornelius Scipio*, *Publius* is the *Prænomen*, *Cornelius* the *Nomen*, and *Scipio* the *Cognomen*.

VII. Some gentes seem to have had no *cognomen*, as the *Marian*; thus, *C. Marius*; *Q. Sertorius*; *L. Mummius*.

VIII. Sometimes there was also a fourth name, called the *Agnomen*, added from some illustrious action or remarkable event. Thus Scipio was named *Africanus* from the conquest of Carthage and Africa. On a similar account, his brother Lucius Cornelius Scipio was named *Asiaticus*. We find, likewise, a second *agnomen* added; thus the younger *Publius Cornelius Scipio Africanus* is called *Æmilianus* because he was the son of L. Æmilius Paulus, and was adopted by the son of the great Scipio, who had no male children of his own. But he is commonly called by authors *Africanus Minor*, to distinguish him from the elder Scipio Africanus.

The Romans at first seem to have had but one name; as, Romulus, Remus, &c.; or two; as, *Numa Pompilius*, *Tullus Hostilius*, *Ancus Marcius*, &c. But afterward, in order to mark more clearly the *gentes* and *familiæ*, they commonly had three names; as *L. Junius Brutus*, *M. Valerius Poplicola*.

In early times, the *prænomen* was given to boys when they attained the age of *pubertas*, that is, at the age of fourteen; or, according to others, at the age of seventeen,[2] when they received the *toga virilis*.[3] At a later

[1] *Juv.*, *Sat.*, v., 126; *Quinctil.*, viii., 3, 27. [2] *Gell.*, x., 28. [3] *Festus*, *s. v. Pubes*.

period, however, it became customary to give boys a *prænomen* on the ninth day after their birth, and girls on the eighth day. This solemnity was preceded by a *lustratio* or purification of the child, whence the day was called *dies lustricus*, *dies nominum* or *nominalia*.[1] The prænomen given to a boy was in most cases that of the father, but sometimes that of the grandfather or great-grandfather. Hence we frequently meet with instances like *M. Tullius, M. F.*, that is, *Marcus Tullius, Marci filius*; or *C. Octavius, C. F., C. N., C. P.*, that is, *Caius Octavius, Caii filius, Caii nepos, Caii pronepos*. Sometimes, however, the *prænomen* was given without any reference to father or grandfather, &c.

The *cognomina* were derived from various circumstances; either from some quality of the mind, as *Cato* from wisdom, *i. e., Catus*, "wise;"[2] or from the habit of the body, as *Calvus, Crassus, Macer*, &c.; or from cultivating particular productions of the earth, as *Lentulus, Piso, Cicero*, &c. These names were in most cases hereditary, and descended to the latest members of a *familia*. In some cases, however, they ceased on the death of the person to whom they were for special reasons given.

IX. The prænomen characterized a Roman citizen as an individual, and gave him, as it were, his *caput*, or civil condition, at the time when he received it. As women had not the full *caput* of men, they only bore the feminine form of the *nomen*, or name of the gens, as *Cornelia, Sempronia, Tullia, Terentia, Porcia*, &c. When there were two daughters, the one was called *Major* and the other *Minor*; thus, *Cornelia Major, Cornelia Minor*. If there were more than two, they were distinguished by their number; thus, *Prima, Secunda, Tertia, Quarta, Quinta*, &c.; or, more softly, *Tertulla, Quartilla, Quintilla*, &c. In later times, however, we find that women sometimes also had a *prænomen*, which they received when they married, and which was the feminine form of the prænomen of their husband; such as *Caia, Lucia, Publia*.[3] But *Caia Cæcilia*, the wife of L. Tarquinius, if the name be historical, is an exception to this rule.[4] Vestal Virgins, at the appointment to their priesthood, when they left the *patria potestas*, received, like married women, a prænomen, as *Caia Tarratia* or *Caia Suffetia*.

If a person, by adoption, passed from one *gens* into another, he assumed the *prænomen, nomen*, and *cognomen* of his adoptive father, and added to these the name of his former *gens* with the termination *anus*. Thus C. Octavius, after being adopted by his great uncle, *C. Julius Cæsar*, was called *C. Julius Cæsar Octavianus*; and the son of *L. Paulus Æmilius*, when adopted by *P. Cornelius Scipio*, was called *P. Cornelius Scipio Æmilianus*. There were, however, two *gentes*, namely, the *gens Antonia* and the *gens Flaminia*, which, in case of any of their *gentiles* being

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[1] *Macrob., Sat.*, i., 16; *Tertull., de Idolol.*, 6.

[2] *Cic., de Sen.*, 2.

[3] *Scævola, ap. Val. Max., Epit. de Nom. Rat.*

[4] *Val. Max., l. c.* Compare *Cic., pro Muræn.*, 12.

adopted into another *gens*, took the termination *inus* instead of *anus*, as *Antoninus* and *Flamininus*, instead of *Antonianus* and *Flaminianus*.

27 Jan. 1852.

CHAPTER XI.

SLAVES.

DIFFERENT MODES OF BECOMING SLAVES.—SLAVE-MARKETS.—CONDITION AND PUNISHMENT OF SLAVES.—MANUMISSION OF SLAVES.—FREEDMEN.

I. MEN became slaves among the Romans in four ways: 1. by being taken in war; 2. by sale; 3. by way of punishment; 4. by being born in a state of slavery.

II. Those enemies who voluntarily laid down their arms and surrendered themselves, retained the rights of freedom, and were called *Dedititii*.[1] But those taken in the field, or in the storming of cities, were sold by auction; *sub corona*, as it was termed, because they wore a crown or chaplet when sold; or *sub hasta*, because at sales at auction a spear was set up, as we have already observed.

A few examples will suffice to show how abundant a supply of bondsmen was obtained by the Romans in their wars. After the overthrow of the Samnites at Aquilonia, two million five hundred and thirty three thousand (or two million thirty-three thousand) pieces of brass were realized by the sale of prisoners, who amounted to about thirty-six thousand.[2] The number of the people of Epirus taken and sold for behoof of the army under Paulus Æmilius was one hundred and fifty thousand. On the descent of the Romans upon Africa in the first Punic war, they took twenty thousand prisoners. On the great victory of Marius and Catulus over the Cimbri, sixty thousand were captured. When Pindenissus was taken by Cicero, the inhabitants were sold for more than one hundred thousand pounds.[3] Augustus, having overcome the Salassi, sold as slaves thirty-six thousand, of whom eight thousand were capable of bearing arms.[4] The profits of the dealers who bought up such slaves must have been enormous. In the camp of Lucullus, in Pontus, a man might be purchased for the sum of three shillings sterling, while the lowest price at Rome was perhaps nearly fifteen pounds.[5]

III. There was a continual market for slaves at Rome. The principal slave-markets were in the *Campus Martius*, and in the *Tuscus Vicus*, near the temple of Castor. The stand or stall where slaves

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[1] *Liv.*, vii., 31; *Cæs.*, i., 27.
[2] *Liv.*, x., 46.
[3] *Cic.*, *ad Att.*, v., 20.
[4] *Suet.*, *Aug.*, 21.
[5] *Blair, Inquiry into the State of Slavery among the Romans*, p. 29.

were exposed for sale was called *catasta*.[1] Sometimes they were placed on a raised stone. Hence *de lapide emtus*.[2] Slaves of great beauty and rarity were not exhibited to public gaze in the common slave-market, but were shown to purchasers in private.[3] Newly-imported slaves had their feet whitened with chalk,[4] and those that came from the East had their ears bored,[5] which we know was a sign of slavery among many Eastern nations. These slaves wore bits of gold by way of ear-rings.

IV. A free person might become a slave in various ways in consequence of positive law (*jure civili*). This was the case with those who had voluntarily absented themselves from the *census*, or had refused to enlist.[6] These had their goods confiscated, and, after being scourged, were sold beyond the Tiber. In certain cases a man became a slave if he allowed himself to be sold as a slave in order to defraud the purchaser. Under the empire the rule was established that persons condemned to death, and to fight with wild beasts, lost their freedom, and their property was confiscated. Such persons were by a fiction of law termed slaves of punishment (*servi pœnæ*).[7]

V. Slave-dealers were called *Mangones* or *Venalitii*.[8] This traffic was considered disreputable, and was expressly distinguished from that of merchants;[9] but, at the same time, it was very lucrative, and great fortunes were frequently realized from it. These slave-dealers had recourse to as many tricks to conceal personal defects as the horse-jockeys of modern times.

VI. The slave-markets, like all other markets, were under the control of the ædiles, who made many regulations by edict respecting the sale of slaves. The character of the slave was set forth in a scroll (*titulus*) hanging round his neck, which was a warranty to the purchaser.[10] The seller was bound to announce fairly all his defects,[11] and, if he gave a false account, he had to take him back within six months from the time of his sale,[12] or make up to the purchaser what the latter had lost by obtaining an inferior kind of slave to what had been warranted.[13] Slaves sold without any warranty, wore at the time of the sale a cap (*pileus*) upon their head.[14]

VII. Foreign slaves, when first brought to the city, were called *Venales*, or *Servi Novicii*,[15] and were generally preferred for common

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1 *Tibull.*, ii., 3, 60; *Pers., Sat.*, vi., 77. 2 *Cic. in Pis.*, 15; *Plaut., Bacch.*, iv., 7, 17.
3 *Mart.*, ix., 60. 4 *Plin., H. N.*, xxxv., 17, s. 58; *Ovid, Am.*, i., 8, 64.
5 *Juv.*, i., 104. 6 *Cic., pro Cæcin.*, 34. 7 *Dig.*, 34, tit. 8, s. 3.
8 *Cic., Orat.*, 7; *Plaut., Trin.*, ii., 2, 51. 9 *Dig.*, 50, tit. 16, s. 207.
10 *Gell.*, iv., 2; *Propert.*, iv., 5, 51. 11 *Dig.*, 21, tit. 1, s. 1; *Hor., Sat.*, ii., 3, 284.
12 *Dig.*, 21, tit. 1, s. 19, § 6.
13 *Dig.*, 19, tit. 1, s. 13, § 4; *Cic., de Off.*, iii., 16, 17, 23. 14 *Gell.*, vii., 4.
15 *Cic., pro Quinct.*, 6; *Plin., Ep.*, i., 21; *Quinctilian*, i., 12, 2; viii., 2, 8.

work. Slaves who had served long, and hence were become artful, were termed *veteratores*.[1] Those slaves that were born in the house of their master were called *Vernæ* or *Vernaculi*; whence *lingua vernacula*, vel *-aris*, one's mother tongue. These slaves were more petulant and impudent than others, because they were commonly more indulged.[2]

The value of slaves depended, of course, upon their qualifications; but under the empire the increase of luxury and the corruption of morals led purchasers to pay immense sums for beautiful slaves, or such as ministered to the caprice or whim of the buyer. Slaves who possessed a knowledge of any art which might bring in profit to their owners also sold for a large sum. The literary men and doctors frequently fetched a high price,[3] and also slaves fitted for the stage, as we see from Cicero's speech on behalf of Q. Roscius. Five hundred drachmæ (perhaps at that time about £18) seem to have been a fair price for a good ordinary slave in the time of Horace.[4]

In the fourth century, a slave capable of bearing arms was valued at twenty-five *solidi* or *aurei*,[5] a little over £23. In the time of Justinian, the legal valuation of slaves was as follows: common slaves, both male and female, were valued at twenty *solidi* a piece (a little over £18), and under ten years of age at half that sum. If they were artificers, they were worth thirty *solidi*; if medical men or midwives, sixty; eunuchs under ten years of age, thirty *solidi*; above that age, fifty; and if artificers also, as much as seventy.[6] Female slaves, unless possessed of personal attractions, were generally cheaper than male.

VIII. Slaves were divided into many various classes. The first division was into *Public* and *Private*. The former belonged to the state and to public bodies, and their condition was preferable to that of common slaves. They were less liable to be sold, and under less control than ordinary slaves: they also possessed the privilege of making a will to the amount of one half of their property, which shows that they were regarded in a different light from other slaves. Public slaves were employed to take care of the public buildings, and to attend upon magistrates and priests. Thus the ædiles and quæstors had great numbers of public slaves at their command,[7] as had also the *Triumviri Nocturni*, who employed them to extinguish fires by night.[8] They were also employed as lictors, jailers, executioners, watermen, &c.

IX. A body of slaves belonging to one person was called *familia*. Private slaves were divided into urban (*familia urbana*) and rustic (*familia rustica*); but the name of urban was given to those slaves

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1 *Ter.*, *Heaut.*, v., 1, 16.
2 *Hor.*, *Sat.*, ii., 6, 66; *Mart.*, i., 42; x., 3.
3 *Suet.*, *de Ill. Gramm.*; *Plin.*, *H. N.*, vii., 39, s. 40.
4 *Sat.*, ii., 7, 43.
5 *Cod. Theod.*, 7, tit. 13, s. 13.
6 *Cod.*, vi., tit. 44, s. 3.
7 *Gell.*, xiii., 13.
8 *Dig.*, 1, tit. 15, s. 1.

who served in the *villa* or country residence as well as in the town house, so that the words *urban* and *rustic* rather characterized the nature of their occupations than the place where they served.[1] The *familia urbana* could therefore accompany their master to his villa without being called *rustica* on account of their remaining in the country.

X. The slaves in a house were arranged in certain classes, which held a higher or a lower rank according to the nature of their occupation. *Literati*, or literary slaves, were probably not included in any of these divisions, but formed a distinct class by themselves. They were used for various purposes by their masters, either as readers (*Anagnostæ*), copyists, or amanuenses. A principal part of the immense wealth of Crassus was acquired by the sale of slaves whom he had previously caused to be instructed in literature and the liberal arts.

XI. The treatment of slaves, of course, varied greatly according to the disposition of their masters, but they appear, upon the whole, to have been treated with greater severity and cruelty by the Romans than by the Athenians. Originally the master could use the slave as he pleased. Under the republic, the law does not seem to have protected the person or life of the slave at all: the master might scourge or put him to death at pleasure; but the cruelty of masters was to some extent restrained under the empire. The general treatment of slaves, however, was probably little affected by legislative enactments.

XII. In early times, when the number of slaves was small, they were treated with more indulgence, and more like members of the family: they joined their masters in offering up prayers and thanksgivings to the gods,[2] and partook of their meals in common with their masters,[3] though not at the same table with them, but upon benches (*subsellia*) placed at the foot of the *lectus* or couch. But with the increase of luxury the ancient simplicity of manners was changed: a certain quantity of food was allowed them (*dimensum* or *demensum*), which was granted to them either monthly, and hence called their *menstruum*,[4] or daily, and termed their *diarium*.[5] Their chief food was the corn called *far*, of which either four or five *modii* were granted them a month[6] (a *modius* being about a quarter of a bushel), or one Roman pound (*libra*) a day.[7] They also obtained an allowance of salt and oil.[8] They likewise got a small quantity of

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[1] *Dig.*, 50, tit. 16, s. 166. [2] *Hor.*, *Ep.*, ii., 1, 142. [3] *Plut.*, *Coriol.*, 24.
[4] *Plaut.*, *Stich.*, i., 2, 3. [5] *Hor.*, *Ep.*, i., 14, 41; *Mart.*, xi., 108.
[6] *Donat.*, *in Ter. Phorm.*, i., 1, 9; *Sen.*, *Ep.*, 80. [7] *Hor.*, *Sat.*, i., 5, 69.
[8] *Cato*, *R. R.*, 58.

wine, with an additional allowance on the *Saturnalia* and *Compitalia*, and sometimes fruit, but seldom vegetables. Butcher's meat seems to have been hardly ever given them.

XIII. Under the republic slaves were not allowed to serve in the army, though after the battle of Cannæ, when the state was in such imminent danger, eight thousand slaves were purchased by the state for the army, and subsequently manumitted on account of their bravery.[1]

XIV. The offences of slaves were punished with severity, and frequently with the utmost barbarity. One of the mildest punishments was the removal from the *familia urbana* to the *rustica*, where they were obliged to work in chains or fetters.[2] They were frequently beaten with sticks, or scourged with the whip. Runaway slaves (*fugitivi*) and thieves (*fures*) were branded on the forehead with a mark (*stigma*), whence they were said to be *notati* or *inscripti*.[3] Slaves were also punished by being hung up by their hands with weights suspended to their feet,[4] or by being sent to work in the *Ergastulum* or *Pistrinum*. A very common punishment was the being compelled to carry a piece of wood, in the form of the letter A, around the neck, with the hands tied to it.[5] A slave who had been thus punished was called, by way of reproach, *furcifer*, a term which eventually obtained the general meaning of "villain" or "scoundrel."

XV. Slaves, when punished capitally, were commonly crucified;[6] but this punishment was prohibited under Constantine. If a master of a family was slain at his own house, and the murderer not discovered, all his domestic slaves were liable to be put to death. Hence we find no less than four hundred in one family punished capitally on this account.

XVI. Masters might work their slaves as many hours in the day as they pleased, but they usually allowed them holiday on the public festivals. At the festival of Saturn, in particular, called the *Saturnalia*, and which took place toward the end of December, slaves were allowed special indulgence: they were relieved from all ordinary toils, and permitted to wear the *pileus*, the badge of freedom, were granted full freedom of speech, partook of a banquet attired in the clothes of their masters, and were waited upon by them at table.[7]

XVII. There was no distinctive dress for slaves. It was once

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[1] *Liv.*, xxii., 57; xxiv., 14, *seqq.* [2] *Plaut.*, *Most.*, i., 1, 18; *Ter.*, *Phorm.*, ii., 1, 20.
[3] *Mart.*, viii., 75, 9. [4] *Plaut.*, *Asin.*, ii., 2, 37, 38.
[5] *Donat.*, *ad Ter. Andr.*, iii., 5, 12; *Plut.*, *Coriol.*, 24; *Plaut.*, *Cas.*, ii., 6, 37.
[6] *Juv.*, vi., 219; *Cic. in Verr.*, v., 3, 64.
[7] *Macrob.*, *Sat.*, i., 7; *Dion Cass.*, lx., 19; *Hor.*, *Sat.*, ii., 7, 5; *Martial.*, xi., 6; xiv., 1.

proposed in the senate to give slaves a distinctive costume, but it was rejected, since it was considered dangerous to show them their number.[1] Male slaves, however, were not allowed to wear the *toga* or *bulla*, nor females the *stola*, but otherwise they were dressed nearly in the same way as poor people, namely, in clothes of a dark color (*pullati*) and slippers (*crepidæ*).[2]

XVIII. A slave could not contract a marriage. His cohabitation with a woman was called *Contubernium;* and no legal relation between him and his children was recognized. A slave could have no property. He was not, indeed, incapable of acquiring property, but his acquisitions belonged to his master. Since, however, slaves were not only employed in the usual domestic offices and in the labors of the field, but also as factors or agents for their masters in the management of business, and as mechanics, artisans, and in every branch of industry, it may easily be conceived that under these circumstances, especially as they were often intrusted with property to a large amount, there must have arisen a practice of allowing the slave to consider part of his gains as his own. This was his *Peculium*, which, according to strict law, was the property of his master, but, according to usage, was considered to be the property of the slave. Sometimes it was agreed between master and slave that the slave should purchase his freedom with his *peculium* when it amounted to a certain sum.[3] Sometimes a slave, with his master's consent, purchased with his *peculium* another slave, from whose labors he might make profit. This latter was called *Servi vicarius*. Cicero says that sober and industrious slaves, at least such as became slaves from being captives in war, seldom remained in servitude above six years.

XIX. Slaves were not esteemed as persons, but as things, and might be transferred from one owner to another, like any other effects. Slaves could not appear as witnesses in a court of justice, nor make a will, nor inherit any thing unless accompanied by a bequest of freedom; but gentle masters, as already remarked, allowed them to make a kind of will (*quasi testamentum facere*).

Long after it had become the custom to employ large gangs of slaves in the cultivation of the land, the number of those who served as personal attendants still continued to be small. Persons in good circumstances seem usually to have had only one to wait upon them,[4] who was generally called by the name of his master, with the word *por* (that is, *puer*) affixed to it; as, *Caipor, Lucipor, Marcipor, Publipor, Quintipor*, &c.; and hence Quinctilian, long before whose time luxury had augmented the number of personal attendants, says that such names no longer existed.[5]

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[1] *Sen., de Clem.*, i., 24.
[2] Compare *Cic., in Pis.*, 38.
[3] *Tac., Ann.*, xiv., 42; *Lips., ad loc.*
[4] *Plin., H. N.*, xxxiii., 1, s. 6.
[5] *Quinct.*, i., 4, 26.

Under the empire, various enactments were made to restrain the cruelty of masters toward their slaves; but the spread of Christianity tended most to ameliorate their condition, though the possession of them was for a long time by no means condemned as contrary to Christian justice. The Christian writers, however, inculcate the duty of acting toward them as we would be acted by;[1] but down to the age of Theodosius wealthy persons still continued to keep as many as two or three thousand.[2] Justinian did much to promote the ultimate extinction of slavery; but the number of slaves was again increased by the invasion of the barbarians from the North, who not only brought with them their own slaves, who were chiefly Sclavi or Sclavonians (whence our word *slave*), but also reduced many of the inhabitants of the conquered provinces to the condition of slaves. But all the various classes of slaves became merged in course of time into the adscripti glebæ, or serfs of the Middle Ages.

Manumission.

The state of slavery was terminated by *manumission*, of which there were three different kinds, namely, per *Censum*, per *Vindictam*, and per *Testamentum*.

I. *Per Censum.* This was when a slave, with his master's consent or by his order, got his name inserted in the censor's roll, and thereby became registered as a citizen. The slave must, of course, have had a sufficient *peculium*, or the master must have given him property.[3]

II. *Per Vindictam.* The mode of proceeding in this species of manumission was as follows. The master, going with his slave before the prætor or consul, and in the provinces before the proconsul or proprætor, said, "I desire that this man be free according to the custom of the Romans." The lictor of the magistrate then laid a rod on the head of the slave, accompanied with certain formal words, in which he declared that he was a free man after the custom of the Romans. Thereupon the master, turning the slave round in a circle (which was called *vertigo*),[4] and giving him a blow on the cheek (*alăpa*, whence *multo majoris* alapæ *mecum veneunt*, &c. "Liberty is sold," &c.), let him go (*e manu emisit*,[5] whence the general name of *manumission*), signifying that leave was granted him to go where he pleased. The rod with which the ceremony was performed was called *vindicta*, whence the name of this particular mode of freeing.

III. *Per Testamentum.* This took place when the master gave his slaves their liberty by his will. If this was done in express words (*verbis directis*), as, for example, *Davus servus meus, liber esto*,

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[1] *Clem. Alex.*, *Pædagog.*, iii., 12. [2] *Chrysost.*, vii., p. 633.
[3] *Cic.*, *Cæcin.*, 34, s. 99. [4] *Pers.*, *Sat.*, v., 75. [5] *Plaut.*, *Capt.*, ii., 3, 48.

such freedmen were called *Orcĭni* or *Charonĭtæ*, because they had no patron but in the lower world. In allusion to which, those unworthy persons who got admission into the senate through the corrupt favoritism of Julius Cæsar, and during the troubles after his death, were contemptuously styled *Orcini Senatores*.[1] If, however, the testator signified his desire merely by way of request (*verbis precativis*), thus, "*Rogo hæredem meum ut Davum manumittat*," the heir (*hæres fiduciarius*) retained the rights of patronage.

IV. Liberty obtained by any of these methods was called *Justa Libertas*. In later times, however, slaves used to be freed in various other ways: 1. By letter (*per epistolam*); 2. Among friends (*inter amicos*), if before five witnesses a master ordered his slave to be free; 3. By table (*per mensam*), if a master bade a slave eat at his table;[2] for it was thought disgraceful to eat with slaves or mean persons, and benches (*subsellia*), not couches, were assigned them. So, also, the master designedly calling a slave his son gave him his freedom. It must be observed, however, that all these did not confer a full and legal manumission, and that such an informal gift of freedom could be recalled; but ultimately the prætor took persons who had been made free in this manner under his protection, and the *Lex Junia Norbana* gave them the *status* called *Latinitas*, which was between those of a *civis* and a *peregrinus*.

V. Anciently the condition of all freed slaves was the same: they obtained the freedom of the city with their liberty,[3] but were distributed among the four city tribes as being more ignoble.[4] Afterward, however, when many worthless and profligate persons, being freed by their masters, thus invaded the rights of citizens, various laws were made to check the license of manumitting slaves. No master was allowed by the *Lex Furia* to free by his will above a certain number, in proportion to the whole number that he had. Augustus, moreover, ordained by the *Lex Ælia Sentia*, that no slave who had been put in chains by his master as a punishment, or branded, publicly scourged, tortured, &c., should obtain Roman citizenship or even *Latinitas*, but should always remain in the state of the *Dedititii*.

VI. Slaves when freed used to shave their heads in the temple of Feronia,[5] and receive a cap (*pileus*) to wear until the hair had grown again. Hence *ad pileum servum vocare* for *ad libertatem*. They were also presented by their master with a white robe and a ring. They then assumed the *prænomen* and *nomen* of their manumitter,

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[1] *Suet.*, *Aug.*, 35.
[2] *Plin.*, *Ep.*, vii., 16.
[3] *Cic.*, *pro Balb.*, 9; *Dionys.*, iv., 22, 23.
[4] *Liv.*, *Epit.*, xx.
[5] *Serv.*, *ad Æn.*, viii., 564; *Liv.*, xlv., 44.

and added to it some other name as a *cognomen*, this last being either some name by which the manumitted party had been previously known, or some name assumed on the occasion. Thus Cicero's freedman took the name of *Marcus Tullius Tiro*. So *Publius Terentius Afer*, the comic poet, the manumitted slave of Publius Terentius Lucanus, &c. A public slave, when manumitted, generally took the *prænomen* and *nomen* of the magistrate before whom he was freed.

VII. The act of manumission established the relation of *patronus* and *libertus*, or patron and freedman, between the manumitter and the manumitted. A manumitted slave was called *libertus* (i. e., *liberatus*) with reference to his master, while with reference to the class to which he belonged after manumission, he was called *libertinus*. Thus *Libertus meus*, *libertus Cæsaris*, and not *libertinus*, but *libertinus homo*; and *Servus, cum manu mittitur, fit libertinus*[1] (not *libertus*).

VIII. Patrons retained various rights over their freedmen. If the patron was reduced to poverty, the freedman was bound, in the same manner as a son, to support him according to his abilities. The patron, on the other hand, was bound to support his freedman when poor, and if he failed to do so, he was deprived of the rights of patronage. If a freedman died intestate, without heirs, the patronus was his heir. Those freedmen who proved ungrateful to their patrons were condemned to the mineries (*ad lautumias*); and the Emperor Claudius, by a law, reduced them to their former slavery.[2] The murder of a patron by his freedman was accounted parricide.

28 January 1852

CHAPTER XIII.

ROMAN JURISPRUDENCE.[3]

ORIGIN OF THE ROMAN LAW.—LEGES REGIÆ.—TWELVE TABLES.—JUS CIVILE FLAVIANUM.—JUS ÆLIANUM.—LEGES CENTURIATÆ ET TRIBUTÆ.—SENATUSCONSULTA.—PRÆTORIAN EDICTS.—ROMAN LAW UNDER THE EMPIRE.—RESPONSA PRUDENTIUM.—SABINIANI ET PROCULIANI.—CONSTITUTIONES PRINCIPIS.—CODES.—LEGISLATION OF JUSTINIAN.

I. The historical origin of the Roman law is unknown, and its fundamental principles, some of which even survived the legislation of Justinian, are older than the oldest records of Italian history.

[1] *Quinctil.*, viii., 3, 27.
[2] *Suet.*, *Claud.*, 25.
[3] *Penny Cyclopædia*, xx., 116, *seqq.*

The foundation of the strict rules of the Roman law as to *familia*, *agnatio*, *marriage*, *testaments*, succession to intestates, and ownership, was no doubt the custom, which, being recognized by the sovereign power, became law.

II. There was, however, direct legislation even in the period of the kings. These laws, which are mentioned under the name of *Leges Regiæ*, were proposed by the king, with the approbation of the senate, and confirmed by the *populus* in the *Comitia Curiata*, and, after the constitution of Servius Tullius, in the *Comitia Centuriata*.

That there were remains of this ancient legislation existing even in the imperial period, is certain, as appears from the notice of the *Jus Civile Papirianum* or *Papisianum*, which the Pontifex Maximus Papirius is said to have compiled from these sources, about or immediately after the expulsion of Tarquinius Superbus,[1] and from the distinct references made to these *Leges* by late writers. Still there is great uncertainty as to the exact date of the compilation of Papirius, and its real character. Even his name is not quite certain, and he is variously called Caius, Sextus, and Publius.[2]

III. But the earliest legislation of which we have any important remains is the compilation of the code called the *Twelve Tables*, of which we have already made some mention in our account of the *Decemviri* (p. 112). The original bronze tables, indeed, are said to have perished in the conflagration of the city after its capture by the Gauls, but they were satisfactorily restored from copies and from memory, for no ancient writer who cites them ever expresses a doubt as to the genuineness of their contents. It is the tradition, that a commission was sent to Athens and the Greek states of Italy for the purpose of examining into and collecting what was most useful in their codes; and it is also said that Hermodorus of Ephesus, then an exile in Rome, gave his assistance in the compilation of the code. There is nothing improbable in this story; and yet it is undeniable that the laws of the Twelve Tables were based on Roman, and not on Greek or Athenian law. Their object was to confirm and define, perhaps, rather than to enlarge and alter, the Roman law, and it is probable that the laws of Solon, and those of other Greek states, if they had any effect on the legislation of the Decemviri, served rather as models of form than as sources of positive rules.

IV. The rules contained in these tables long continued to be the foundation of Roman law, and they were never formally repealed. The laws themselves were considered as a text-book, and they were commented on by the jurists as late as the age of the Antonines,

[1] *Dig.*, i., tit. 2.

[2] *Dion. Hal.*, iii., 36; *Dig.*, i., tit. 2.

when Gaius wrote a commentary on them in six books. The brevity and obscurity of this ancient legislation rendered interpretation necessary in order to give the laws any application; and both the interpretation of the laws and the framing of the proper forms of action belonged to the College of Pontifices, who yearly appointed a member of their body to decide in all doubtful cases. The civil law was thus still inseparably connected with that of religion (*Jus Pontificium*), and its interpretation and the knowledge of the forms of procedure were still the exclusive possession of the patricians.

The scanty fragments of the Twelve Tables hardly enable us to form a judgment of their character, or a proper estimate of the commendation bestowed on them by Cicero.[1] It seems to have been the object of the compilers to make a complete set of rules both as to religious and civil matters; and they did not confine themselves to what the Romans called private law, but they comprised also public law.[2] They contained provisions as to testaments, successions to intestates, the care of persons of unsound mind, theft, homicide, interments, &c.

The old Leges Regiæ, which were collected into one body by Papirius, were commented on by Granius Flaccus, in the time of Julius Cæsar,[3] and thus they were probably preserved. The fragments of these laws have been often collected, but the best essay upon them is by Dirksen (*Versuchen zur Kritik und Auslegung der Quellen des Römischen Rechts, Leipz.*, 1823). The fragments of the Twelve Tables also have often been collected. The best work on the subject is that by James Godefroy (Jac. Gothofredus), which, with the more recent work of Dirksen (*Uebersicht der bisherigen Versuche zur Kritik und Herstellung des Textes der Zwölf-Tafel-Fragmente, Leipz.*, 1824), seems to have exhausted the subject.

V. For about one hundred years after the legislation of the Decemviri, the patricians retained the exclusive possession of the forms of procedure. Appius Claudius Cæcus drew up a book of the forms of actions, which it is said his clerk Cnæus Flavius stole and published. The fact of the theft may be doubted, though that of the publication of the forms of procedure, and of a list of the *Dies Fasti* and *Nefasti*, rests on sufficient evidence. The book thus made public by Flavius was called *Jus Civile Flavianum*, but, like that of Papirius, it was only a compilation. The publication of these forms must have had a great effect on the practice of the law: it was, in reality, equivalent to an extension of the privileges of the plebeians. Subsequently Sextus Ælius published another work called *Jus Ælianum*, which was more complete than that of Flavius. This work,

[1] *De Orat.*, i., 43 [2] *Liv.*, iii., 34. [3] *Dig.*, 50, tit. 16, s. 144.

which was extant in the time of Pomponius,[1] was called also *Tripertita*, from the circumstance of its containing the laws of the Twelve Tables, a commentary upon them, and the *Legis Actiones*. This work of Ælius appears to have been considered, in later times, as one of the chief sources of the civil law.

VI. In the republican period new laws were enacted both in the *Comitia Centuriata* and in the *Comitia Tributa*. The laws passed in the Comitia Tributa were properly called *leges Tributæ* or *Plebiscita*, and had eventually the full force of laws, without requiring the consent of the senate,[2] and a *plebiscitum* accordingly was sometimes called a *lex*. The *leges* generally took their name from the gentile name of the magistrate who proposed them, or, if he was a consul, from the name of both consuls; as *Lex Ælia*, or *Ælia Sentia; Lex Papia*, or *Papia Poppæa*. If the proposer of the law was a dictator, prætor, or tribune, the lex or plebiscitum, as the case might be, took its name from the proposer only; as, *Lex Hortensia*.

VII. The *Senatusconsulta* also formed a source of law under the republic, and still more so under the empire. It appears that the senate gradually came to be considered as the representative of the *curiæ*, and that its *consulta*, in many matters relating to administration, the care of religion, the ærarium, and the government of the provinces, had the full effect of laws.[3] Another source of law was supplied by the *Edicta* of those magistrates who had the right of publishing edicts (*jus edicendi*), but mainly by the prætors, namely, the *prætor urbanus* and *prætor peregrinus*. The edicts of the *prætor urbanus*, as already remarked, were the more important. The body of law which was formed by these edicts is accordingly sometimes called *Jus Prætorium*. The commentators on the edicts were numerous under the early emperors; and subsequently, in the time of Hadrian, Salvius Julianus, who had himself been prætor, compiled a work on the Edict, which was called *Edictum Perpetuum*. Nothing is known of the details of this work, but it appears probable that it was designed to be a systematic exhibition of the whole body of edictal law, and as such it must have had considerable influence on the subsequent condition of jurisprudence.

VIII. The development of the Roman law in the imperial period was little affected by direct legislation. New laws were made by *senatusconsulta*, and subsequently by the *Constitutiones Principum*, or special ordinances of the prince or emperor. But that which gives to this period its striking characteristic is the effect produced by the *Responsa*, and the writings of the Roman jurists.

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[1] *Dig.*, i., tit. 2, s. 2, § 39.
[2] *Liv.*, viii., 12; *Gaius*, i., 3; *Gell.*, xv., 27.
[3] *Dig.*, i., tit. 2.

IX. So long as the law of religion, or the *Jus Pontificium*, was blended with the *Jus Civile*, and the knowledge of both was confined to the patricians, jurisprudence was not a profession. But with the gradual separation of the *Jus Civile* and *Pontificium*, which was partly owing to the political changes by which the estate of the plebeians was put on a level with that of the patricians, there arose a class of persons who are designated as *Jurisperiti*, *Jurisconsulti*, *Prudentes*, and by other equivalent names. The opinions of these jurisconsults were termed *Responsa Prudentum*,[1] and were accepted as the safest rule by which a judex or an arbiter could be guided; these opinions being given on request, in difficult cases, either orally or in writing. Augustus gave these *Responsa* a still higher character. Before his time, the *Responsa* of the jurisconsults could have no binding force, and they only indirectly obtained the character of law by being adopted by those who were empowered to pronounce sentence. Augustus, however, gave to certain jurists the *respondendi jus*, and declared that they should give their responsa "*ex auctoritate.*" In the time of Gaius, therefore, the *Responsa Prudentum* had become a recognized source of law.[2]

The commencement of a more systematic exposition of law under the empire is indicated by the fact of the existence of two distinct schools of jurists. These schools originated under Augustus, and the heads of each were respectively two distinguished jurists, Antistius Labeo and Ateius Capito. But the schools took their names from other jurists. The followers of Capito's school, called *Sabiniani*, derived their name from Massurius Sabinus, a pupil of Capito, who lived under Tiberius, and as late as the time of Nero. Sometimes they were called *Cassiani*, from C. Cassius Longinus, another distinguished pupil of Capito. The other school was called *Proculiani*, from Proculus, a follower of Labeo. If we take the authority of Pomponius, the characteristic difference of the two schools was this: Capito adhered to what was transmitted, that is, he looked out for positive rules sanctioned by time; Labeo had more learning and a greater variety of knowledge, and accordingly he was ready to make innovations, for he had more confidence in himself; in other words, he was a philosophical more than an historical jurist.[3]

The *jurisprudentes* were not only authorized expounders of law, but they were most voluminous writers. Massurius Sabinus wrote three books *Juris Civilis*, which formed the model of subsequent writers. The commentators on the Edict were also very numerous, and among them are the names of Pomponius, Gaius, Ulpian,

[1] *Heinecc., Ant. Rom.*, i., 2, 37, p. 60, *ed. Haubold.* [2] *Gaius*, i., 7.
[3] *Puchta, Instit.*, i., § 98.

and Paulus. Gaius wrote an elementary work, which furnished the model of the Institutes of Justinian. Commentaries were also written on various *Leges*, and on the senatusconsulta of the imperial period; and, finally, the writings of the earlier jurists themselves were commented on by their successors.

With the decline of Roman jurisprudence began the period of compilations, or codes, as they were called. These codes were collections of the constitutions of the emperors, made by different lawyers, the chief of whom were Gregorius and Hermogenes, who flourished under Constantine. The *Codex Gregorianus* and *Hermogenianus* are known only from fragments. The former began with constitutions of Septimius Severus, and ended with those of Diocletian and Maximian. The Codex Hermogenianus contained constitutions also of Diocletian and Maximian, and perhaps some of a later date. Though these codes were mere private collections, they apparently came to be considered as authority, and the codes of Theodosius and Justinian were formed on their model. The code of Theodosius was compiled under the authority of Theodosius II., emperor of the East. It was promulgated as law in the Eastern empire, A.D. 438; and in the same year it was confirmed as law in the Western empire by Valentinian III. and the Roman senate. It contained the imperial constitutions from Constantine to Theodosius, for a little more than a hundred years.

X. It was the Emperor *Justinian* that first reduced the Roman law to a fixed and certain order. For this purpose he employed the assistance of the most eminent lawyers in the empire, at the head of whom was Tribonian. Justinian first published a collection of the imperial constitutions, A.D. 529, called *Codex Justinianēus*. Then he ordered a collection to be made of every thing that was useful in the writings of the lawyers before his time, which are said to have amounted to two thousand volumes. In other words, he sought to extract the spirit of jurisprudence from the decisions and conjectures, the questions and disputations of the Roman civilians. This work was executed by Tribonian and sixteen associates in three years, although they had been allowed ten years to finish it. It was published, A.D. 533, under the title of *Digests* or *Pandects* (*Digesta* vel *Pandectæ*).

XI. The same year were published the elements or first principles of the Roman law, composed by three jurists, Tribonian, Theophilus, and Dorotheus, and called the *Institutes* (*Instituta*). This book was published before the Pandects, although it was composed after them.

XII. As, however, the first code did not appear sufficiently com-

plete, and contained several things inconsistent with the *Pandects*, Tribonian and four other lawyers were employed to correct it. A *new code*, therefore, was published in A.D. 534, called *Codex Repetitæ Prælectionis*, and the former code declared to be of no farther authority. Thus in six years was completed what is called *Corpus Juris Civilis*, the body of Roman law.

XIII. But when new questions arose, not contained in any of the above-mentioned works, new decisions became necessary to supply what was wanting, or correct what was erroneous. These were afterward published under the title of *Novels* (*Novellæ*, scil. *constitutiones*), not only by Justinian, but also by some of the succeeding emperors; so that the *Corpus Juris Civilis* is made up of the *Institutes*, *Pandects* or *Digests*, *Code*, and *Novels*.

Jan. 29. 1852

CHAPTER XIV.

JUDICIAL PROCEEDINGS OF THE ROMANS.[1]

CRIMINAL TRIALS (JUDICIA PUBLICA).—JURY (JUDICES), HOW CHOSEN.—THEIR NUMBER.—ORDER OF PROCEEDING AGAINST A CRIMINAL.—CRIMINAL CAUSES TRIED IN THE SENATE.

I. The administration of justice among the Romans exhibited a rigid adherence to certain forms (*formulæ*, *verba concepta*), which could not be neglected or violated. It related partly to public causes (*causæ publicæ*), partly to private (*causæ privatæ*), and consequently was exercised either through public trials (*judicia publica*) or private (*judicia privata*), or, as we express it, civil or criminal.

II. The *causæ publicæ* concerned the state in itself, and the citizens as members of the state; the *causæ privatæ* related to private matters. Upon this distinction rests the different appellation of the accuser and accused, the plaintiff and the defendant, in a civil or criminal trial.

III. In the *judicia publica*, the accuser is termed *accusator*, the accused *reus*, and the charge *accusatio*;[2] while in a civil trial the plaintiff is termed *petitor*, and the defendant *is unde petitur*. As many persons might accuse an individual at the same time (which was frequently done in the case of celebrated personages by young men who wished to acquire a name), it was determined, in the first instance, by an investigation termed *divinatio*, who should be the principal accuser (*proprie accusator*), while the rest attached themselves to him by subscribing the accusation (*causæ* vel *actioni subscribebant*), and were hence called *subscriptores*.

[1] *Carr's Roman Ant.*, p. 191, *seqq.*

[2] *Cic., ad Att.*, i., 16.

The word *divinatio* was used in a particular manner by the Romans as a law term. If in any case two or more accusers came forward against one and the same individual, it was, as the phrase ran, decided by *divinatio* who should be the chief or real accuser, whom the others, as just remarked, joined as *subscriptores*. This proceeding was called *divinatio*, because the question was not about facts, but about something which was to be done, and which could not be found out by witnesses or written documents; so that the judges had, as it were, to *divine* the course which they had to take. Hence the oration of Cicero, in which he tries to show that he himself, and not Q. Cæcilius Niger, ought to conduct the accusation against Verres, is called *Divinatio in Cæcilium*.[1]

IV. The principal accuser, also, was said *causam subscribere*, "to subscribe the indictment;" and by this he subjected himself to the same penalty in case he did not prove his charge, or bring it into court within thirty days. This was intended to prevent frivolous litigation.

V. Criminal trials were at first held (*exercebantur*) by the kings, with the assistance of a council. After the expulsion of the kings, capital offences were judged and punished by the consuls. But the consuls did not long remain in possession of this power; for, by a law of Valerius Poplicola, concerning the right of appeal, the popular assembly became the court of decision; but afterward, permanent courts (*quæstiones perpetuæ*) were established. These were termed *judicia publica extraordinaria*. The prætors were the presidents of the permanent courts, and a select number of *judices* or jurymen was assigned to each.

VI. The *Judices* were originally chosen out of the senators. The *Lex Calpurnia de Pecuniis Repetundis* established what was termed the *Album Judicum Selectorum*, or the body out of which judices were to be chosen. It is not known what was the number of the body so constituted, but it has been conjectured that the number was three hundred and fifty, and that ten were chosen from each tribe.

VII. Since many of those who were tried in the *quæstiones perpetuæ* belonged to the class of the *Optimates*, it often happened that the *judices* acquitted those members of their own body who would have been convicted by impartial *judices*. Accordingly, a struggle arose between the popular party and the *Optimates*, whom the former wished to exclude from the office of *judex*. The effort was successful, and by a *Lex Sempronia* of C. Gracchus, B.C. 123, the senators were excluded from the *Album judicum selectorum*, and the *judices*

[1] *Ascon. in Argum. ad Cic., Divin. in Cæc.*, p. 99, *ed. Orelli.*

were taken from the *Equites* alone. After several changes, the Optimates triumphed under Sulla, who, by a *lex Cornelia*, B.C. 80, enacted that the *judices* should be chosen from the senators only. But in B.C. 70, a *lex Aurelia* enacted that the *judices* should be chosen from the three classes of Senators, Equites, and Tribuni Ærarii.[1] Subsequently, however, a *lex Judiciaria* of Julius Cæsar excluded the Tribuni Ærarii, and thus reduced the *judices* to two classes, senators and equites. Antony restored the *Tribuni Ærarii.*

Augustus, who altered the whole constitution of the body of the *judices*, added to the three existing classes of judges a fourth one, called that of the *Ducenarii*, who had a lower pecuniary qualification than the others, and only decided in small matters.[2] Caligula added a fifth, in order to diminish the labors of the judices.[3] As to the whole number of judices included at any given time in the *Album Judicum*, it seems almost impossible to state any thing with precision; but it is obvious that the numbers must have varied with the various changes that have been mentioned. After the time of Augustus the number was about four thousand,[4] whereas in the time of the republic the average number was between three and four hundred.

VIII. The requisites in a *judex* were purity of morals and a mature age. By the Servilian law it behooved the *judices* to be above thirty and below sixty years of age. By other laws it was required that they should be at least twenty-five. But Augustus chose them from the age of twenty.[5] The foreman of the jury was termed *princeps* vel *judex quæstionis*. He stood by the side of the prætor, and frequently supplied his place.

IX. The number of *judices* on each trial appears to have varied. In Milo's case (but that was by a special commission), fifty-one *judices* sat, and thirty-eight of these condemned him. In that of Gabinius, who was acquitted, of the seventy-two *judices*, thirty-two voted for his condemnation.

X. The summoning into court (*vocatio in jus*) commenced with the accuser's requesting of the *judices* that he might be allowed to produce his charge against the individual or individuals (*nomen alicujus deferre*). This request was termed *postulatio* (hence *postulare aliquem de crimine*), "to accuse," and at an earlier period was made orally, but in the time of the emperors must be made in a written form (*libellus postulationum*). When the accuser summoned the accused, he was said *diem dicere*, sc. *eum accusandi.* The accuser must then take a solemn oath that his charge was true, and that he did

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[1] *Vell. Paterc.*, ii., 32. [2] *Suet.*, *Aug.*, 32. [3] *Suet.*, *Calig.*, 16.
[4] *Plin.*, *H. N.*, xxxiii., 7. [5] *Suet.*, *Aug.*, 32.

not accuse from malice; and thereupon the amount of damages, &c., was fixed (*lis æstimabatur*) by the jury. If the accused said nothing to the charge, the matter was ended; if not, the accuser wrote out the indictment (*libellus accusationis*) in due form. At the same time, he was bound to forfeit a certain sum, or pay a certain mulct, if he did not carry on and make good his charge.

XI. If the prætor fixed a day of trial, then the accused person (now termed *reus*) put on sordid attire (*vestis sordida*), and endeavored to excite public sympathy in his behalf, and to procure for himself friends and advocates. The friends who assisted him were called *advocati*; the speaker or public defender, *patronus causæ*. The *cognitores* and *procuratores* conducted the defence, or maintained a suit, particularly in the case of absent parties, and answered in a great measure to the modern attorneys. The *cognitores* were limited to their instructions (*certis verbis*), while the *procuratores* were left to their own discretion (*ex solo mandato, nullis certis verbis*).

XII. On the appointed day, the accuser and the accused were summoned by a herald or crier. If the defendant did not appear, he was exiled; and if the plaintiff was absent, the name of the defendant was struck out from the list of criminals. But if both appeared, the *judices* or jury were chosen by lot or by naming (*per sortitionem vel editionem*). The accused might reject or strike out those of whom he disapproved, and the prætor or *judex quæstionis* might substitute others in their room, until the legal number was completed. Before they took their seats (*subsellia occupabant*) they took an oath that they would observe the laws and decide uprightly, and their names were registered in a book.

XIII. The evidence was now gone into, and might be of three kinds: 1. The testimony of slaves, extorted by torture (*quæstiones*); 2. The testimony of free citizens (*testes*); 3. Documentary evidence (*tabulæ*). The accuser spoke first, proceeding to prove his charge. Witnesses might be either voluntary or involuntary: the latter were summoned by a writ analogous to a subpœna (*iis testimonium denuntiabatur; inviti evocabantur*). Those who were inadmissible as witnesses were termed *intestabiles*. A false witness, by the law of the Twelve Tables, was thrown from the Tarpeian Rock; but afterward the punishment was arbitrary. Slaves were stretched on a machine called *Eculeus* or *Equuleus*, having their legs and arms tied to it with ropes,[1] and being raised upright, as if suspended on a cross, their members were distended with screws, sometimes until they were dislocated. Hence *Eculeo longior factus*.[2] Slaves could not be examined by torture against the life of their master, except in

[1] *Suet.*, *Tib.*, 62; *Calig.*, 33. [2] *Senec.*, *Epist.*, 8.

the case of incest, or of conspiracy against the state. Masters sometimes manumitted their slaves in order that they might be exempted from this cruelty.

XIV. The accuser was then followed by the *patroni*, who were frequently supported, especially in cases *de Repetundis*, by respectable individuals, who gave testimony to the good character of the accused party (*laudatores*). Ten of these *laudatores* was the usual number, at least the lowest (*legitimus numerus consuetudinis*). When these matters were ended, the jury began their consultation, to which they were summoned by the prætor (*prætor mittit judices in consilium*); and then they gave their votes by tablets, which were collected in an urn. The prætor gave each judge three tablets; one marked with the letter A. (*absolvo*), for acquitting; another with the letter C. (*condemno*), for condemning; and a third with N. L. (*non liquet*, scil. *mihi*, "it is not clear to me"), when the judex could not make up his opinion.[1] Each of the *judices* threw which one of these tablets he thought proper into the urn. The prætor having taken out and counted the ballots, pronounced sentence accordingly. Sometimes the *judices* gave their opinion *viva voce* in open court.

The letter A was called *Litera salutaris*, and the tablet on which it was marked *Tabella absolutoria*.[2] The letter C was called *Litera tristis*, and the tablet, *Damnatoria*. Among the Greeks, the condemning letter was Θ, because it was the first letter of θάνατος, "death," hence called *mortiferum* by Martial,[3] and *nigrum* by Persius.[4]

XV. If the number of votes for acquittal and condemnation were equal, the criminal was acquitted,[5] *calculo Minervæ*, "by the vote of Minerva," as it was termed, because, when Orestes was tried before the Areopăgus of Athens for the murder of his mother Clytemnestra, and the judges were equally divided, he was acquitted by the vote of that goddess. If the majority of the votes were marked N. L., the prætor adjourned the sitting of the court, with the words *Causa ampliata est*, "the case is adjourned." It was anciently the custom to use white and black pebbles (*lapilli* vel *calculi*) in voting at trials; hence *causa paucorum calculorum*,[6] "a case of small importance," where there were few judges to vote; and *errori album calculum adjicere*,[7] "to pardon or excuse an error;" *reportare calculum deteriorem*, "to be condemned." The prætor, when about to pronounce sentence of condemnation, laid aside his *toga prætexta*.

XVI. If the criminal was acquitted, he was then at liberty to bring

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[1] *Cæs., B. C.*, iii., 83. [2] *Suet., Aug.*, 33. [3] *Epigr.*, vii., 36.
[4] *Sat.*, iv., 13. [5] *Cic., pro Cluent.*, 27. [6] *Quinctil.*, viii., 3, 14.
[7] *Plin., Epist.*, i., 2.

a charge of false accusation[1] (*calumnia*) against the accuser; and if the accusation was proved to be false and vexatious, the false accuser might be branded on the forehead with the letter K. (*Kalumnia*). Another punishment for this offence was *exsilium*, *relegatio in insulam*, or loss of rank (*ordinis amissio*). Hence *calumnia litium*, i. e., *lites per calumniam intentæ*,[2] "unjust law-suits;" and *calumniarum metus*,[3] "the fear of false accusations." The accused might also bring a charge of *prævaricatio* against his own advocate, if the latter had by neglect or collusion assisted his opponent.[4]

The verb *prævaricari*, compounded of *præ* and *varico*, or *-car* (from *varus*, bow and bandy legged, *crura incurva habens*), signifies properly "to straddle," "to stand or walk wide, with the feet too far removed from one another," "not to go straight," and hence "to shuffle," "to play fast and loose," "to act deceitfully."

XVII. In a trial for extortion, we may remark as a peculiarity that sentence was not passed after the first stage of the trial was finished, that is, after the accused had ended his pleading and the accuser had replied, but the cause was a second time taken up, after the interval of a day, or sometimes more (especially if a festival intervened, as in the case of Verres),[5] which was called *Comperendinatio*.[6] Then the accused spoke first, and the accuser replied, after which sentence was passed. This, however, was subsequently repealed by the *lex Acilia*, which enacted that sentence should be passed *semel dicta causa*, and that there should not be a second hearing (*ne reus comperendinaretur*).

Jan. 30. 1852.

CHAPTER XV.

JUDICIAL PROCEEDINGS OF THE ROMANS.

CIVIL TRIALS.—VARIOUS KINDS OF JUDICES.—POSTULATIO ACTIONIS.—VADIMONIUM.—MANNER OF CONDUCTING A TRIAL.—PLEADING.—MODE OF GIVING JUDGMENT.—APPEAL.

I. CIVIL causes (*judicia privata*) were committed to the *Prætor urbanus* and *Prætor peregrinus*, who were assisted by *judices* when the subjects to be decided were to be treated according to established laws (*causæ stricti juris*), and by *arbitri* when the matter was to be decided according to discretion (*ex æquo et bono*).

II. The *Recuperatores* were judges who recovered for every one

[1] *Cic., pro Cluent.*, 31. [2] *Cic., pro Mil.*, 27. [3] *Suet., Cæs.*, 20.
[4] *Cic., Topic.*, 36; *Plin., Epist.*, i., 20; iii., 9. [5] *Cic., Verr.*, i., 7.
[6] *Cic., Verr.*, i., 9; *Ascon., ad loc.*

his own property. This name was first given to those who judged between the Roman people and foreign states, about recovering and restoring private things; and hence it was transferred to those judges who were appointed by the prætor for a similar purpose in private controversies.[1] But afterward they judged also about other matters. They were chosen probably from the *Judices selecti*.

III. The *Centumviri* were judges chosen from the thirty-five tribes, three from each; so that properly there were one hundred and five, but they were always named by a round number *Centumviri*. The causes which came before them (*causæ centumvirales*) are many of them enumerated by Cicero,[2] and related principally to testaments and inheritances. Certain crimes also came under their cognizance. It was the practice to set up a spear in the place where the *centumviri* were in session,[3] and accordingly the word *hasta*, or *hasta centumviralis*, is sometimes used as equivalent to the words *judicium centumvirale*.[4] Under the emperors the number of judges multiplied with the increase of business, and reached one hundred and eighty; and on this account they were divided into four sections (*collegia tribunalia*). In less important matters, a small number was selected out of the whole college, called *decemviri litibus judicandis*, or merely *decemviri*.

IV. In a civil trial the plaintiff was termed *petitor* or *actor*; the defendant, *is*, *qui*, or *unde petitur*, and the bringing of the action, *petere* or *agere*. Supposing the matter was not settled in the interim between the parties by the intervention of friends (*inter parietes*), a formal action was commenced by summoning into court (*in jus vocare*), which the plaintiff or prosecutor was to announce personally to the defendant, with the words *in jus te voco*, or *in jus eamus*. If the defendant refused to follow, the prosecutor took some one present to witness, by saying *licet antestari*?[5] "May I take you to witness?" If the person consented, he offered the tip of his ear (*auriculam opponebat*), which the prosecutor touched. Thereupon the plaintiff might drag the defendant to court by force. But worthless persons, such as thieves, robbers, &c., might be dragged before a judge without this formality.

By the law of the Twelve Tables, none were excused from appearing in court; not even the aged, the sickly, and the infirm. If they could not walk, they were furnished with a conveyance.[6] But afterward this was altered, and various persons were exempted, as magistrates,[7] those absent on account of the state,[8] matrons,[9] boys and girls under age, &c. It

[1] *Plaut.*, *Bacch.*, ii., 3, 36; *Cic.*, *in Cæcil.*, 17.
[2] *De Orat.*, i., 38.
[3] *Quinctil.*, v., 2.
[4] *Suet.*, *Aug.*, 36; *Quinctil.*, 5, 2.
[5] *Horat.*, *Sat.*, i., 9, 76.
[6] *Gell.*, xx., 1; *Cic.*, *de Leg.*, ii., 23.
[7] *Liv.*, xlv., 37.
[8] *Val. Max.*, iii., 7, 9.
[9] *Id.*, ii., 1, 5.

was likewise unlawful to force any one to court from his own house, because a man's house was esteemed his castle. But if any one lurked at home to elude a prosecution, he was summoned three times, with an interval of ten days between each summons, by the voice of a crier, or by letters, or by the edict of the prætor; and if he still did not appear, the prosecutor was put into possession of his effects. If the person cited found security, he was allowed to depart. If he made up the matter by the way, the process was dropped.

V. When both parties were before the prætor, the plaintiff stated the action (*actionem edebat*) which he intended to prosecute against the defendant (*intendere in reum*), according to certain forms (*formulæ*) which could not be violated. He then demanded a writ for that purpose (*postulabat actionem*) from the prætor. If the prætor granted the action, the plaintiff offered the writ to the defendant. It was unlawful to change the form of the writ;[1] and if there was a mistake in a single word, the plaintiff lost his cause (*formula excidebat*, i. e., *causa cadebat*). The defendant could not obtain his release from the plaintiff until he had procured some one of corresponding rank and condition who would give bail for him. A brief statement of the matter was made by both parties before the prætor.

Actions were divided into two kinds, the *actio in rem* and the *actio in personam*. The *actio in rem* was when the question was about the recovery of some property (accompanied with *injectio manus* before the prætor, if the property consisted of movables, as, for instance, a slave): the *actio in personam*, on the other hand, was a personal action. Actions for a private wrong were of four kinds: 1. *Ex furto*, for theft. By the law of the Twelve Tables, a thief in the night-time might be put to death; also in the day-time, if he defended himself with a weapon when the injured party had called out for assistance. A thief caught in the act (*manifesto furto*) was obliged to restore four-fold; and if he was too poor, he was adjudged as a slave to the injured party. 2. *Ex rapina*, for robbery. Although the crime of robbery (*crimen raptus*) was much more pernicious than that of theft, it was, however, less severely punished. An action was granted by the prætor against the robber only for four-fold, including what he had robbed. 3. *Ex injuria*, affecting the person, dignity, or character of individuals. By the law of the Twelve Tables, smaller injuries were punished with a fine of twenty-five *asses*; but greater ones (as, for instance, depriving a person of the use of a limb) were punished by the *lex talionis*[2] (p. 170), if the injured party would not accept of any other compensation. The *talio*, however, fell into disuse, being superseded by a fine. 4. *Ex damno*. If any one slew the slave or beast of another, it was termed *damnum injuria datum*, and he was obliged to repair the damage.

VI. The bail given by the defendant was a security for his appearance before the prætor on a day named, commonly the day but

[1] *Sen., Ep.*, 117.

[2] *Cato, apud Priscian.*, vi., p. 710, *Putsch.*

one after the *in jus vocatio.* The defendant, on finding a surety, was said *vades dare, vadimonium promittere* or *facere;* the surety, *vas,* was said *spondere;* the plaintiff, when satisfied with the surety, was said *vadari reum,* to let him go on his sureties, or to have sureties from him. When the defendant promised to appear on the day named without giving any surety, this was called *vadimonium purum.* In some cases *recuperatores* were named, who, in case of the defendant making default, condemned him in the sum of money named in the *vadimonium.* If the defendant appeared on the day appointed, he was said *vadimonium sistere;* but if he did not appear, he was said *vadimonium deseruisse,* and the prætor gave to the plaintiff the *bonorum possessio.*

VII. If both parties appeared before the prætor, the plaintiff, who opened the business, was obliged to conform strictly to the established forms (*formulæ constitutæ*), since a single mistake might be fatal to his cause. As the question *in jure* was whether an action could be granted, the prætor might refuse to take cognizance of the matter (*dare judices*), if the complaint was manifestly unjust, or made *ex turpi causa;* if it was directed against such persons as could not be proceeded against, or if the action was brought at too late a period, or vitiated by any other informality. In this case, the plaintiff appeared as setting up a frivolous and vexatious plea (*temere litigans*); and the defendant might now institute proceedings against him (*calumniæ judicium, contrarium judicium, restipulatio*), in which he assumed, of course, the character of plaintiff.

VIII. As to the choice of *judices,* the plaintiff proposed them to the defendant, who could strike off four from the list, with *hunc nolo.* When the *judex* or *judices* were agreed upon, the plaintiff then requested the prætor to appoint them in these words: "*Prætor, judicem arbitrumve postulo, ut des in diem tertium sive perendinum;*" and the *judex* or *judices* were then appointed. The *judices* were obliged to take a solemn oath that they would judge according to the laws and their own conviction (*ex animi sententia*). They then took their seats on the *subsellia.* Hence *sedere* is often put for *cognoscere,* "to judge," as we say, "the court is sitting," *i. e.,* is engaged in the dispatch of judicial business.

IX. The advocates were now ordered to plead the cause, which they did twice, one after another, in two different ways; first, briefly, by stating what are now technically termed the points of the case, which was called *causæ conjectio* (quasi causæ in breve *coactio*), and then, in a formal oration, they explained the nature of the cause, and proved their own charge or defence by witnesses, written documents, and arguments drawn from the case itself; and here the

orator chiefly displayed his art. To prevent the speakers, however, from being too tedious, it was ordained by the *lex Pompeia*, in imitation of the Greeks, that they should speak by a *clepsŭdra*, or water-clock, an instrument that measured time by the regular and gradual escape of water. How many hours were to be allowed to each advocate was left to the *judices* to determine, or else to the presiding magistrate. Hence Pliny, "*Quoties judico, quantum quis plurimum postulat aquæ do*,[1] "I give each advocate as much time as he desires." So, also, *petere plures clepsydras*, "to ask for more time to speak."

X. Lest the advocates should be at a loss, or forget themselves in their pleading, they were supported by *ministratores*[2] (similar, perhaps, to the *pragmatici* mentioned by Juvenal), who suggested the various points connected with the law of the case. They were in the habit, too, under the emperors, of keeping persons in their pay (*conducti et redemti Mancipes*) to collect hearers (*coronam colligere*), who attended them from court to court, and applauded them while they were pleading, as a person who stood in the middle of them gave them the word. Each of them for this service received his dole (*sportula*), and were hence called *laudicœni* (i. e., *qui ob cœnam laudabant*), or else a certain hire (usually three *denarii*) for this service. This custom was introduced by one Largius Licinius, who flourished under Nero and Vespasian, and is greatly ridiculed by Pliny.[3] When a client gained his cause, he used to fix a garland of green palm at his lawyer's door.[4]

XI. When the pleadings were ended (*causa utriusque perorata*), the prætor either passed judgment (*litem addixit*), or, if there was any difficulty or obscurity in the case, he took time to consider it. The prætor expressed his opinion in various ways: in an action of freedom, thus: *Videtur hunc hominem esse liberum;* in an action of injuries, *Videtur jure fecisse*, vel *non fecisse*, &c. When the suit was determined, the condemned party might appeal from an inferior to a superior magistrate; so, also, from one court to another. If, however, no appeal was made, and judgment was finally given, the conquered party was obliged to do or pay what was decreed, and if he failed, or did not find securities (*sponsores* or *vindices*) within thirty days, he was given up by the prætor to his adversary, and led away by him to servitude.

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[1] *Plin., Ep.*, vi., 2.
[2] *Cic., de Orat.*, ii., 75.
[3] *Epist.*, ii., 14.
[4] *Juv.*, vii., 118.

Jan. 31. 1852.

CHAPTER XVI.

PUNISHMENTS AMONG THE ROMANS.

MULCTA.—VINCULA.—VERBERATIO.—TALIO.—IGNOMINIA.—EXSILIUM.—SERVITUS.—MORS, &c.

I. PUNISHMENTS among the Romans varied at different periods, according to the existing state of civilization. In the earliest periods they were simple, in accordance with the manners and mode of life of the great bulk of the people. At a later period we find eight different kinds enumerated. The first of these was *Mulcta*, a fine, which consisted originally of a certain number of sheep and oxen, but subsequently of the valuation of them. By the Aternian law, passed B.C. 455, the highest fine was fixed at two sheep and thirty oxen. But afterward it was increased. By the *lex Menenia*, passed B.C. 452, it was enacted that, in imposing a fine, a sheep should be estimated at ten *asses*, and an ox at one hundred.[1]

II. The *second kind of punishment* was termed *Vincula*, or "bonds," including both public and private custody; *public*, in prison, into which criminals were thrown after confession or conviction;[2] and *private*, when they were delivered to magistrates, or even to private persons, to be kept at their houses, in what was termed *libera custodia*, until they were tried.[3] A prison (*carcer*) was first built by Ancus Marcius,[4] overhanging the forum. This was enlarged by Servius Tullius, who added to it a dungeon below ground called from him the *Tullianum*.[5] For a long time this was the only prison at Rome, being, in fact, the "Tower," or state prison of the city, which was sometimes doubly guarded in times of alarm, and was the chief object of attack in many conspiracies.[6] In later times the whole building was called the "Mamertine." Close to it were the *Scalæ Gemoniæ*, or steps, down which the bodies of those who had been executed were thrown into the forum, to be exposed to the gaze of the populace. There were afterward other prisons besides the one just mentioned, one of which was built by Appius Claudius, the decemvir, and in which he himself was put to death.[7]

III. The *third kind of punishment* was *Verberatio* or *Verbera*, beat-

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1 *Niebuhr, Hist. Rom.*, i., p. 298, *seqq.*
2 *Cic., de Divin.*, i., 25; *Tacit., Ann.*, iii., 51.
3 *Sall., Cat.*, 47; *Liv.*, xxxix., 14.
4 *Liv.*, i., 33.
5 *Sall., Cat.*, 55.
6 *Liv.*, xxvi., 27; xxxii., 26.
7 *Liv.*, iii., 57; *Plin., H. N.*, vii., 36.

ing or scourging with sticks or staves (*fustibus*); with rods (*virgis*); with whips or lashes (*flagellis*). But the first were in a manner peculiar to the camp, where the punishment was termed *Fustuarium*; and the last to slaves.[1] Rods only were applied to citizens, and these, too, were removed by the Porcian law.[2] But under the emperors citizens were punished with these and severer instruments, as, for instance, with whips loaded with lead (*plumbatis*).

IV. The *fourth kind* was *Talio*, that is, a punishment similar to the injury, an eye for an eye, a limb for a limb, &c. This punishment was mentioned among the laws of the Twelve Tables,[3] but seems very rarely to have been inflicted, because by law the removal of it could be purchased by a pecuniary compensation. The law of *Talio* was, in all likelihood, enforced by the individual or his friends: it is not probable that the penalty was inflicted under a decision of a court of justice.

V. The *fifth kind* was *Ignominia* or *Infamia*. Disgrace or infamy was inflicted either by the censors or by the law, and by the edict of the prætor. Those made *infamous* by a judicial sentence were deprived of their rank or state, and rendered incapable of enjoying public offices; sometimes, also, of being witnesses, or of making a will; hence called *Intestabiles*.

VI. The *sixth kind* was *Exilium*, or exile. The word itself, as already remarked, was not used in a judicial sentence, but, in lieu of it, *aquæ et ignis interdictio*, or the forbidding one the use of fire and water, whereby a person was banished from Italy, but might go to any other country he chose. The two later forms of banishment, namely, *Deportatio* and *Relegatio*, have already been mentioned (p. 141).

VII. The *seventh kind* was *Servitus*, or slavery. Those persons were sold as slaves who did not give in their names to be enrolled in the censor's books, or who refused to enlist as soldiers; because thus they were supposed to have voluntarily renounced the rights of citizens[4] (p. 91).

VIII. The *eighth kind* was *Mors*, death, which was either *civil* or *natural*. Exile and slavery were called a *civil* death. Only the most heinous crimes were punished by a violent death. In ancient times it seems to have been most usual to hang malefactors (*arbori infelici suspendere*);[5] afterward, to scourge (*virgis cædere*) and behead them (*securi percutere*);[6] or to throw them from the Tarpeian

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[1] *Horat., Epod.*, 4; *Juv.*, x., 109; *Cic., Verr.*, iii., 29.
[2] *Liv.*, x., 9; *Sall., Cat.*, 51.
[3] *Festus, s. v. Talionis.*
[4] *Cic., Cæcin.*, 34.
[5] *Liv.*, i., 26.
[6] *Liv.*, ii., 5; vii., 19; xxvi., 15.

Rock;[1] or to strangle them in prison.[2] Subsequently, however, it was enacted by the Porcian law that no Roman citizen should be scourged or put to death, but that the alternative of *exilium* should be allowed him.

Under the emperors, capital punishments, in the case of Roman citizens, came again into vogue, and several new and severe modes were contrived, such as exposing to wild beasts, burning alive, &c. When criminals were burned, they were dressed in a tunic besmeared with pitch and other combustible matter, and called *Tunica Molesta*.[3] The Christians were put to death in this way,[4] especially in the reign of Nero. Sometimes persons were condemned to the public works, to engage with wild beasts, or fight as gladiators,[5] or they were employed as public slaves in attending on the public baths, in cleansing common sewers, or repairing the streets, highways, &c. Slaves, after being scourged (*sub furca cæsi*), were crucified (*in crucem acti sunt*), usually with a label or inscription on their breast, intimating their crime or the cause of their punishment.[6]

A person guilty of parricide, that is, of murdering a father, mother, grandfather, grandmother, after being scourged till he bled, was sewed up in a sack with a dog, cock, viper, and ape, and thrown into the sea, if the sea was at hand; and if not, by a constitution of Hadrian, he was exposed to wild beasts, or, in the time of Paulus, was burned. The ape, however, would appear to be a late addition, since Italy produces no animals of this kind.[7]

2 Feb. 1852.

CHAPTER XVII.

RELIGION OF THE ROMANS.

THE DII CONSENTES, SELECTI, &C.—ALTARS.—TEMPLES.—PRIESTS.—PONTIFEX MAXIMUS.—AUGURS.—TAKING OF AUSPICES, &C.

I. The religion of the Romans, embracing, as it did, a priesthood, festivals, sacrifices, and other rites, has quite a peculiar character. The reason of this must be sought for in the great dependence of Rome upon the Tuscans and other communities in these matters, as well as in the peculiar political principles of the Romans themselves.[8]

II. Even at the very foundation of Rome, according to the popular legend, the establishment of a national religion was a principal object with Romulus, as a means of infusing unity and peace into the heterogeneous mass, by which, according to the common ac-

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1 *Liv.*, vi., 20.
2 *Sall.*, *Cat.*, 55; *Cic.*, *Vatin.*, 11.
3 *Senec.*, *Ep.*, 14; *Juv.*, i., 155; viii., 235.
4 *Tacit.*, *Ann.*, xv., 44.
5 *Plin.*, *Ep.*, x., 40.
6 *Dion Cass.*, liv., 3.
7 Compare *Gibbon*, *Rom. Hist.*, c. xliv.
8 *Müller*, *Etrusker*, ii., p. 6, *seqq.*

count, the city was first inhabited. This, too, was a special object of the regulations of his successor Numa. His alleged intercourse and communings with a superior being, the nymph Egeria, gave greater credit and importance to his institutions, while the groundwork of the system was adhered to in later times.

III. A minute account of the different gods whom they worshipped belongs, however, to the department of mythology; and we therefore only remark the peculiar division of the gods into *superior* and *inferior*, or, following another nomenclature, which the Romans adopted in allusion to the division of the early patrician houses, the *dei majorum et minorum gentium*. The first, again, which were usually termed by the Romans *Dei Magni*, were divided into two classes, namely, *Consentes* and *Selecti*.

IV. The *Dei Consentes* (so called *a consensu*, because admitted to, or, rather, forming the council of Jove) were twelve in number, namely, *Jupiter*, *Neptune*, *Mars*, *Vulcan*, *Mercury*, *Apollo*, *Juno*, *Vesta*, *Ceres*, *Minerva*, *Venus*, and *Diana*; six male and six female. The *Dei Selecti*, on the other hand, were eight in number, namely, *Saturn*, *Janus*, *Pluto*, *Bacchus*, *Genius*, *Sol*, *Rhea*, and *Luna*; six male and two female.

V. The *Dei Minorum gentium* were also termed *Indigetes*, *Adscriptitii*, *Semidei*, and were heroes or men that had been deified for their virtues and merits, such as *Hercules*, *Castor and Pollux*, *Æneas*, *Romulus* (*Quirinus*), &c. There were also among the *Dei Minorum gentium* certain deities called *Semones*, i. e., *semihomines*, as of inferior rank; as, for example, *Pan*, *Faunus*, *Sylvanus*, *Vertumnus*, *Pomona*, &c. To the *Dei Minorum gentium* also belonged the Virtues and Vices, which the Romans personified; all the symbolical and allegorical deities, as well as the *dei peregrini*; the *Dei Penates et Lares*, who presided over households and families; the *Parcæ*, or Fates, who determined the life of mortals by spinning, and hence called *tres lanificæ puellæ*.

The hearth was particularly sacred to the *Lares*, and small images of them were placed there along with that of a dog, or else these images were covered with the skin of a dog. Under these images the Roman families worshipped their deceased ancestors; if the family was reigning, their *Lares* were worshipped by the state, as, for example, those of Julius Cæsar. There were also public *Lares*, for the roads (*Lares viales*); for the cross streets (*compitales*); for the cities (*urbani*), as protecting deities.[1] The *Penates*, on the other hand, were private gods, which every family selected for their protecting deities. These were, for the most part, of divine origin, while the *Lares* were only deified men. The *Penates* (from *penus*, "the store-room") presided over the family stores, and were

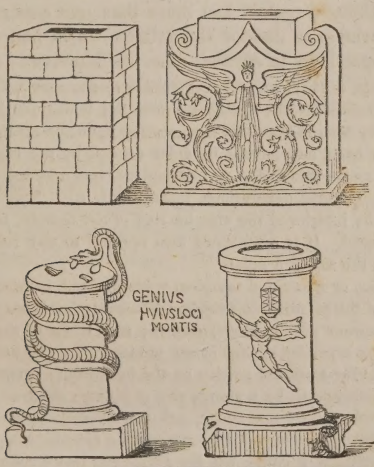
[1] *Voss, ad Virg., Eclog.*, i., 7, 44; *Heindorff, ad Horat., Sat.*, i., 5, 66.

worshipped in the innermost part of the house. There were also *Penates publici*, under whose protection were placed the city and the Capitol.[1] Jupiter, Juno, Minerva, Vesta, and Mercury were considered as such.

ALTARS.

VI. It was necessary, strictly speaking, that an altar should be built in the open air, in order that the steam of the sacrifice might be wafted up to heaven; and it might be built in any place, as on the side of a mountain, on the shore of the sea, or in a sacred grove. But as the worship of the gods was in later times chiefly connected with temples, altars became an indispensable part of the latter. In Latin, *ara* and *altare* are often used without any distinction, but properly the *altaria* were more elevated, and appropriated for sacrifices; whereas the *aræ* were lower, and at them prayers were offered up, and libations were also poured out and incense burned upon them. Again, *altaria* were erected in honor of the superior deities, but *aræ* in honor of the inferior, heroes, and demigods.[2] All altars were places of refuge. The supplicants were considered as placing themselves under the protection of the deities to whom the altars were consecrated; and violence to the unfortunate, even to slaves and criminals, in such circumstances, was regarded as violence toward the deities themselves.

Four specimens of ancient altars are here given: the first two are



[1] *Voss, ad Virg., Georg.*, i., 498.

[2] *Virg., Eclog.*, v., 65.

square, the last two round, which is the less common form. When the occasion was not sudden, altars were built with regular courses of masonry or brick-work, as may be seen in the left-hand figure of the first woodcut. In later times altars were ornamented with festoons and garlands of flowers. They were also adorned with sculpture, and some were covered with the works of the most celebrated artists of antiquity.

TEMPLES.

VII. The places dedicated to the worship of the gods were called Temples (*Templa*, *fana*, *delubra*, *sacraria*, *ædes sacræ*), and consecrated by the *Augurs*. A small temple or chapel was called *Sacellum* or *Ædicula*. Strictly speaking, the term *delubrum*, though applied to any consecrated building, meant the shrine where the image of the god was placed, and, being the interior of the temple (*cella sanctior*), was the place appropriated for sacrifices.

VIII. The Roman temples were generally built after the Greek fashion, being usually surmounted with rows of pillars (hence termed *peristyle*), or, at least, adorned with them in front (*prostyle*), and stood upon open ground. With respect to the form and arrangement of temples, we may observe, that the proper temple was termed *cella*, and received light merely through the door, in order to shroud the sacred things from vulgar eyes; hence it was also called *adytum* and *penetrale*. In the *cella*, as already remarked, was also to be found the statue of the deity, so that *cella* and *delubrum* are identical. Sometimes a temple had more than one *cella*; as, for instance, the temple of Jupiter Capitolinus, which had three *cellæ*, dedicated respectively to Jupiter, Juno, and Minerva.

The Vestibule, or Hall, was termed *Antĭcum*; the part behind the *cella* was called *Postĭcum*. The *Fastigium* was the triangular figure at the upper extremity both in front and rear, resting upon the cornice of the entablature as a base, and having its sides formed by the cornices which terminate the roof. The facing, or frontispiece, was adorned with statues and other architectural decorations, inscriptions, &c. The *Tholus* was the centre of the interior of the circular roof of the temple, where all the beams terminated. It is sometimes also applied to any round building terminating at the top in a point.

Quadrangular, or four-sided temples, were divided, in reference to the arrangement of the pillars, into *templum in antis*, where two pillars stand between the corner pillars (*antæ*) and the side walls of the *cella*; into *prostyle*, having a portico of four or six pillars before the vestibule; *amphiprostyle*, having a similar portico on the back-front; *peripteral*, where the cella was surrounded by a simple row of pillars; *dipteral*, with a double row; *hypæthral* (ὑπό and αἰθήρ, *sub dio*, *subdialis*), when light was admitted into the *cella* from above. Among the circular temples, the *Monopteros* was without a cella; but the *Peripteros* had a *cella* surrounded by pillars.

Feb. 3. 1852.

PRIESTS.

IX. The Priests (*Sacerdotes*), who were, for the most part, formed into colleges or corporations (*collegia*), were very numerous at Rome, and were instituted in a great measure by the early kings. Thus there were the *Luperci*, *Curiones*, *Haruspices*, &c., instituted by Romulus; and the priests assigned to particular gods, as the *Salii*, *Vestal Virgins*, &c., instituted by Numa. During the republic, there existed the *Rex Sacrorum* and the *Epulones;* and some others were added under the emperors.

X. Generally speaking, we may divide the Roman priesthood into two leading classes, the *first* of which comprised the priests of all or a certain number of the gods; to these belong the *pontifices*, *augures*, *quindecimviri sacris faciundis*, *haruspices*, *fratres arvales*, *curiones*, *epulones*, *feciales*, *sodales Titii*, and the *rex sacrorum*. The *second* class consisted of the priests of particular gods (*uni alicui numini addicti*), and comprehended the *Flamines*, *Salii*, *Potitii*, *Pinarii*, *Galli*, and the *Vestal Virgins*.

XI. The first rank in the priesthood was held by the *pontifices*, of whom Numa appears to have instituted four, half for the Ramnes and half for the Tities,[1] he himself being *pontifex maximus*, or supreme pontiff, and in this way, according to Niebuhr,[2] are we to reconcile with the common account the remark of Cicero,[3] that Numa instituted five pontiffs, the *pontifex maximus* being here reckoned with the others. In the year B.C. 300, the Ogulnian law raised the number of *pontifices* to eight, or, including the *pontifex maximus*, to nine, and four of them were to be plebeians.[4] The *pontifex maximus*, however, continued to be a patrician down to the year B.C. 254, when Tiberius Coruncanius was the first plebeian who was invested with this dignity.[5] This number of pontiffs remained for a long time unaltered, until, in 81 B.C., the dictator Sulla increased it to fifteen,[6] and Julius Cæsar to sixteen.[7] In both these changes the *pontifex maximus* is included in the number. During the empire the number varied, though, on the whole, fifteen appears to have been the regular one.

XII. When the regal power was abolished, the college of pontiffs filled up its own vacancies, that is, had the right of co-optation (*cooptabant*). By the *lex Domitia*, however (104 B.C.), the right of electing the members of the great colleges of priests was transferred to the people. The *lex Domitia* was repealed by Sulla, who restored

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[1] *Niebuhr, Rom. Hist.*, i., p. 258.
[2] *Ibid.*
[3] *De Repub.*, ii., 14.
[4] *Liv.*, x., 6.
[5] *Liv., Epit.*, 18.
[6] *Ibid.*, 89.
[7] *Dion Cass.*, xlii., 51.

to the great priestly colleges their full right of co-optation.[1] In the year 63 B.C., however, the law of Sulla was abolished, and the Domitian law was restored, but not in its full extent; for it was now determined that in case of a vacancy the college should nominate two candidates, and the people elect one of them. Antony again abrogated the Domitian law, and restored the right of *co-optatio* to the college. The *pontifex maximus*, however, was elected, not by the college, but by the *Comitia Centuriata* out of the *pontifices*.

XIII. All the other priests, and even the Vestal Virgins, were under the control of the *pontifex maximus*. He had the superintendence of all religious matters, the arrangement of the calendar, the regulation of the festivals, and the sacred rites connected with them: he could compel a magistrate to resign, if he had been elected contrary to religious usages (*vitio creatus*); he marked down all particular occurrences in the pontifical books, and kept these books in his own house for general inspection. These books, however, must not be confounded with the *ritual books* (*commentarii sacrorum, libri pontificum, indigitamenta*), which were text-books of religious ceremonies, and each newly-elected priest took an oath not to deviate from the form therein prescribed.

For nearly four centuries and a half after the foundation of the city, a knowledge of the calendar was possessed exclusively by the priests. As regards, however, the Roman *fasti*, we must distinguish between the *Fasti Majores* vel *Consulares* and the *Fasti Minores* vel *Calendares*. The former were marble tablets, on which were engraven the names of the consuls and dictators, year after year, with the exploits and remarkable occurrences that happened during the period of their holding office. The *Fasti Minores*, on the other hand, contained a description of the whole year, according to the months, so that in every month the *dies fasti* and *nefasti*, the *dies senatus* and *comitiales*, the festival days, fasts, and great sacrificial feasts, were marked down. These were under the superintendence of the *Pontifex Maximus*, and kept secret until the year 304 of the city, but from that period they were annually published. They were also called *Fasti urbani*, to distinguish them from the *Fasti rustici*, which last contained the *Nundinæ*, the feasts of the country people, the agricultural labors appropriate to each particular month, the signs of the zodiac, the length of the days, and the *deus tutelaris* of each month.[2]

XIV. The College of Pontiffs had the supreme superintendence of all matters of religion, and of things and persons connected with public as well as private worship. A general outline of their rights and functions is given by Livy[3] and Dionysius.[4] The pontiffs themselves were not subject to any court of law or punishment, and were

[1] *Liv., Epit.*, 89; *Dion Cass.*, xxxvii., 37.
[2] *Græv., Thesaur. Ant. Rom.*, vol. viii. [3] *Liv.*, i., 20. [4] *Dionys.*, ii., 73.

not responsible either to the senate or the people. The details of their duties and functions were contained in books called *Libri Pontificii* or *Pontificales*,[1] which they were said to have received from Numa, and which were sanctioned by Ancus Marcius. These books, as already remarked, were kept by the *pontifex maximus* in his own house.

XV. The pontiffs convoked the assembly of the *Curiæ* (*Comitia Calata* or *Curiata*) in cases where priests were to be appointed, and *flamines*, or a *rex sacrorum*, were to be inaugurated; also when wills were to be received, and when a *detestatio sacrorum* and adoption by *adrogatio* took place.[2] As regards the jurisdiction of the pontiffs, magistrates and priests, as well as private individuals, were bound to submit to their sentence, provided it had the sanction of three members of the college.[3] In most cases the sentence of the pontiffs only inflicted a fine upon the offenders,[4] but the person fined had a right to appeal to the people, who might release him from the fine. In regard to the Vestal Virgins, and the persons who had induced them to forget their vows of chastity, the pontiffs had criminal jurisdiction, and might pronounce the sentence of death.[5] A person who had been thus guilty was, according to an ancient law, scourged to death by the *pontifex maximus;* and the Vestal was buried alive.

XVI. The meetings of the college of pontiffs, to which, in some instances, the *flamines* and the *rex sacrorum* were summoned,[6] were held in the *Curia Regia*, on the *Via Sacra*, to which was attached the residence of the *pontifex maximus* and of the *rex sacrorum*.[7] As the chief pontiff was obliged to live in a *domus publica*, Augustus, when he assumed this dignity, changed part of his own house into a *domus publica*.[8]

XVII. All the pontiffs wore a cap of a conical shape, called *tutulus* or *galerus*, with an apex upon it, and the *toga prætexta*.

XVIII. The pontifex maximus was the president of the college, and acted in its name, whence he alone is frequently mentioned in cases in which he must be considered only as the organ of the college. He was generally chosen from among the most distinguished persons, and such as had held a curule magistracy, or were already members of the college.[9] Two of his especial duties were to appoint (*capere*) the Vestal Virgins and the *flamines*, and to be present at every marriage by *confarreatio*. The *pontifex maximus* anciently

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1 *Festus, s. v. Aliuta* and *Occisum*.
2 *Gell.*, v., 19; xv., 27.
3 *Cic., de Harusp. Resp.*, 6.
4 *Cic., Phil.*, xi., 8; *Liv.*, xxxvii., 51.
5 *Dionys.*, ix., 40; *Liv.*, xxii., 57.
6 *Cic., de Harusp. Resp.*, 6.
7 *Suet., Cæs.*, 46; *Plin., Epist.*, iv., 11.
8 *Dion Cass.*, liv., 27.
9 *Liv.*, xxxv., 5; xl., 42.

could not leave Italy. Licinius Crassus was the first one who violated this law, in B.C. 131,[1] and after this precedent pontiffs seem frequently to have transgressed it; and Cæsar, though *pontifex maximus*, went to his province of Gaul. The pontifex maximus, moreover, durst not mount a horse; he was thought to be polluted even by seeing or touching a corpse; he was not allowed to marry a second wife, a regulation which Julius Cæsar first violated.

XIX. A pontifex might, like all the members of the great priestly colleges, hold any other military, civil, or priestly office, provided the different offices did not interfere with one another. Thus we find one and the same person being pontiff, augur, and *decemvir sacrorum*.[2] Instances of a *pontifex maximus* being at the same time consul are very numerous.[3]

The College of pontiffs continued to exist until the overthrow of paganism,[4] but its power and influence were considerably weakened, as the emperors, according to the example of Cæsar, had the right to appoint as many members of the great colleges of priests as they pleased.[5] In addition to this, the emperors themselves were always chief pontiffs, and, as such, the presidents of the college. Hence the title of *pontifex maximus* (P. M. or PON. M.) appears on several coins of the emperors. If there were several emperors at a time, only one bore the title of *pontifex maximus;* but in the year A.D. 238, we find that each of the two emperors Maximus and Balbinus assumed this dignity.[6] The last traces of emperors being at the same time chief pontiffs are found in inscriptions of Valentinian, Valens, and Gratianus.[7] From the time of Theodosius the emperors no longer appear in the dignity of pontiff, and at last the title was assumed by the Christian bishop of Rome.

XX. There were other *pontifices* at Rome, who were distinguished by the epithet of *minores*. At the time when the real pontiffs began to neglect their duties, and to leave the principal business to be done by their secretaries, it became customary to designate these scribes by the name of *Pontifices Minores*. Their number is uncertain. The name itself can not have been used long before the end of the republic, whenever the chief pontiffs began to show a disregard for their sacred duties, as in the case of P. Licinius Crassus and Julius Cæsar. Another proof of their falling off, in comparison with former days, is, that about the same time the good and luxurious living of the pontiffs became proverbial at Rome.[8]

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[1] *Liv., Epit.*, 59; *Val. Max.*, viii., 7, 6.
[2] *Liv.*, xl., 42.
[3] *Liv.*, xxviii., 38; *Cic., de Harusp. Resp.*, 6, &c.
[4] *Arnob.*, iv., 35; *Symmach., Epit.*, ix., 128, 129.
[5] *Dion Cass.*, xlii., 51; xliii., 51; li., 20.
[6] *Capitol., Maxim. et Balb.*, 8.
[7] *Orelli, Inscript., No.* 1117, 1118.
[8] *Horat., Carm.*, ii., 14, 26, &c.; *Mart.*, xii., 48, 12; *Macrob., Sat.*, ii., 9.

AUGURES.

XXI. The Augurs (*Augures*) derive their name, as some imagine, from *avis* and *gero*, or, in other words, from the flight of birds. Plutarch[1] says that the *Augures* were originally termed *Auspices*, and there seems no reason to doubt this statement. The word *auspex* (from *avis* and *specio*) was finally supplanted by *augur*, but the technical term for the observation itself continued to be *auspicium*, and not *augurium*.

XXII. In early times no one but a patrician could take the auspices. The gods of the Roman state were the gods of the patricians alone, and it was consequently regarded as an act of profanation for any plebeian to attempt to interpret the will of the gods. Hence the possession of the auspices (*habere auspicia*) is one of the most distinguished privileges of the patricians.[2] The Roman state, therefore, was a species of theocracy, having the gods as its rulers, and it was by means of the auspices that the latter intimated their will to the representatives of the people, that is, to the magistrates. It follows from this that no public act could be performed without consulting the auspices, no election could be held, no law passed, no war waged; for a neglect of the auspices would have been equivalent to a declaration that the gods had ceased to rule the Roman state.

XXIII. There were five kinds of augury among the Romans: 1. *Ex Cœlo*. This included the observation of the various kinds of thunder and lightning, and was regarded as the most important (*maximum auspicium*).[3] 2. *Ex Avibus*. From birds. It was only a few birds that could give auguries among the Romans.[4] They were divided into two classes, *Oscines*, those which gave auguries by singing or their cry, and *Alites* or *Præpetes*, those which gave auguries by their flight. 3. *Ex Tripudiis*. These auspices were taken from the feeding of chickens, and were especially employed on military expeditions. The sacred fowls were kept in a cage, under the care of a person called *pullarius*; and, when the auspices were to be taken, the *pullarius* opened the cage, and threw to the chickens pulse or a kind of soft cake. If they refused to come out or eat, or uttered a cry (*occinerent*), or beat their wings, or flew away, the signs were considered unfavorable.[5] On the contrary, if they ate greedily, so that something fell from their mouth and *struck the earth*, it was called *tripudium solistimum* (*tripudium*, quasi *terripavium*; and *solistimum*, from *solum*), and was deemed a favorable sign.

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[1] *Quæst. Rom.*, c. 72.
[2] *Liv.*, vi., 41; x., 8.
[3] *Serv., ad Virg., Æn.*, ii., 693; *Cic., de Div.*, ii., 18.
[4] *Cic., de Div.*, ii., 34.
[5] *Id. ibid.*

4. *Ex Quadrupedibus.* Auguries could also be taken from four-footed animals, as, for example, when a fox, a wolf, a horse, a dog, or any other kind of quadruped, ran across a person's path,[1] or appeared in an unusual place: 5. *Ex diris* (scil. *signis*). Under this head was included every kind of augury, which did not fall under any of the four classes mentioned above, such as sneezing, stumbling, and other accidental things. There was an important augury of this kind connected with the army, which was called *ex acuminibus*, that is, from the flames appearing at the points of spears or other weapons.[2]

XXIV. The augurship is described by Cicero, himself an augur, as the highest dignity in the state,[3] having an authority which could prevent the *comitia* from voting, or annul resolutions already passed, if the auspices had not been duly performed.[4] The words *alio die*, from a single augur, might put a stop to all business, and a decree of the college had several times rescinded laws.

According to the ordinary account, a college of three augurs was appointed by Romulus, answering to the number of the early tribes.[5] Numa is said to have added two;[6] yet, at the passing of the Ogulnian law (B.C. 300), the augurs were but four in number: whether, as Livy[7] supposes, the deficiency was accidental, is uncertain. By the law just mentioned, their number became nine, five of whom were chosen from the plebs. The dictator Sulla further increased them to fifteen,[8] a multiple of their original number, which probably had a reference to the early tribes. This number continued until the time of Augustus, who, among other extraordinary powers, had the right conferred on him, in B.C. 29, of electing augurs at his pleasure, whether there was a vacancy or not, so that from this time the number of the augural college was unlimited. The augurs, like the other priests, were originally elected at the *Comitia Curiata.* They soon, however, obtained the privilege of self-election (*jus co-optationis*), which, with but one interruption, they retained until B.C. 104, when the Domitian law was passed, enacting that vacancies in the priestly colleges should be filled up by the votes of a minority of the tribes, namely, seventeen out of thirty-five, chosen by lot.[9] This law was twice abrogated, but twice restored. The emperors, as already mentioned, possessed the right of electing augurs at pleasure.

XXV. The augurs were elected for life, and even if capitally convicted, never lost their sacred character.[10] When a vacancy occurred, the candidate was nominated (as long as they enjoyed the *jus co-optationis*) by two elder members of the college;[11] the elec-

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[1] *Horat., Carm.*, iii., 27. [2] *Cic., de Div.*, ii., 36; *de Nat. Deor.*, ii., 3.
[3] *De Leg.*, ii., 8. [4] *Liv.*, vi., 27; viii., 23. [5] *Cic., de Rep.*, ii., 9.
[6] *Cic., de Rep.*, ii., 14. [7] *Liv.*, iv., 4. [8] *Liv., Epit.*, 89.
[9] *Cic., de Leg. Agr.*, ii., 7; *Vell. Pat.*, ii., 12; *Suet., Ner.*, 2.
[10] *Plin., Ep.*, iv., 8. [11] *Cic., Phil.*, ii., 12.

tors were sworn, and the new member took an oath of secrecy before his inauguration.[1] The only distinction among them was one of age, the eldest augur being styled *Magister Collegii*.[2]

XXVI. On ancient coins the augurs are represented wearing a long robe, which veiled the head and reached down to the feet, thrown back over the left shoulder. They hold in the right hand a *lituus*, or curved wand, hooked at the end like a crosier, and sometimes have the *capis* or earthen water-vessel by their side.

XXVII. The chief duties of the augurs were to observe and report supernatural signs. They were also the repositories of the ceremonial law, and had to advise on the expiation of prodigies and other matters of religious observance. The ordinary mode of taking the auspices was as follows: The augur went out before the dawn of day, and sitting in an open place, with his head veiled, marked out with his *lituus* the divisions of the heavens. Next he declared in a solemn form of words the limits assigned, making shrubs or trees (called *tesqua*) his boundary on earth, correspondent to that in the sky. The *Templum Augurale*, which appears to have included both, was divided into four parts: those to the east and west were termed respectively *sinistræ* and *dextræ*; those to the north and south *antĭcæ* and *postĭcæ*. If a breath of air disturbed the calmness of the heavens, the auspices could not be taken; and, according to Plutarch, it was for this reason the augurs carried lanterns open to the wind.

XXVIII. After sacrificing, the augur offered a prayer for the desired signs to appear, repeating after an inferior minister a set form. Unless the first appearances were confirmed by subsequent ones, they were insufficient. If, in returning home, the augur came to a running stream, he again repeated a prayer, and purified himself in its waters; otherwise the auspices were held to be null. The place where the auspices were taken, called *auguraculum*, *augurale*, or *auguratorium*, was open to the heavens. One of the most ancient of these was on the Palatine Hill, the regular station for the observation of augurs.[3] Sometimes the auspices were taken in the Capitol. In the camp a place was set apart to the right of the general's tent.[4]

Lucky omens came from the east, unlucky ones from the west. With regard to the position of the Roman augur when taking the auspices, there appears, however, to be some difference of opinion. According to Livy,[5] at the inauguration of a king, and, as appears from Dionysius,[6] at that of a

[1] *Cic., Brut.*, 1. [2] *Cic., de Sen.*, 18.
[3] *Festus, s. v. Auguraculum*; *Liv.*, i., 18; *Cic., de Off.*, iii., 16.
[4] *Tac., Ann.*, ii., 13; xv., 30. [5] *Liv.*, i., 18.
[6] *Dionys.*, ii., 5; *Varro, de Limit.*

consul also, he looked toward the east, and called the north left, and the south right. By his side, facing the south, sat the person to be inaugurated. According to Varro,[1] on the other hand, he looked southward, and the east was to his left. According to Frontinus,[2] again, the west was the point of view taken by the augur in the division of land. Niebuhr[3] thinks that these three accounts, though so much at variance, may be reconciled by means of a piece of information preserved out of Varro. The augur conceived himself to be looking in the same manner in which the gods looked on the earth. The dwelling of the gods was believed to be in the north of the earth. From the north the gods directed their eye toward the other three points of the heavens to survey the earth; but when they turned their back upon it in anger, their left hand stretched toward the west; and that they did so when the auspices were unfavorable was assuredly the doctrine of the augurs.

Feb. 3. 1852.

CHAPTER XVIII.

RELIGION OF THE ROMANS.

HARUSPICES.—INSPECTION OF THE ENTRAILS.—QUINDECIMVIRI.—VESTAL VIRGINS.—FRATRES ARVALES.—SEPTEMVIRI EPULONUM.—FETIALES.—FLAMINES, SALII, LUPERCI, &c.

HARUSPICES.

I. The *Haruspices*, or *Aruspices*, were soothsayers or diviners, who interpreted the will of the gods. They originally came to Rome from Etruria, whence *haruspices* were often sent for by the Romans on important occasions.[4] The art of the *haruspices* resembled in many respects that of the augurs; but they never acquired that political importance which the latter possessed, and were regarded rather as means of ascertaining the will of the gods, than as possessing any religious authority. They did not, in fact, form any part of the ecclesiastical polity of the Roman state during the republic; they are never called *sacerdotes;* they did not form a *collegium*, and had no *magister* at their head.

II. The art of the *haruspices* was called *haruspicina*, and consisted in explaining and interpreting the will of the gods from the victims and their entrails (*exta*) after they were sacrificed, and also from the flame, smoke, and other circumstances attending the sacrifice; as, for example, if the victim came to the altar without assistance, stood there quietly, fell by one stroke, bled freely, &c. These were all

[1] *Varro, ap. Frontin.*, p. 215; *Festus, s. v. Sinistræ.* [2] *Frontin., l. c.*
[3] *Rom. Hist.*, vol. ii., p. 626, *Eng. transl.*
[4] *Liv.*, xxvii., 37; *Cic., Cat.*, iii., 8; *Id., de Div.*, ii., 4.

favorable signs. They also divined from lightning, earthquakes, and all extraordinary phænomena in nature, to which the general name of *portenta* was given.[1] Their art is said to have been invented by the Etruscan Tages,[2] and was contained in certain books, called *libri haruspicini*, *fulgurales*, and *tonitruales*.[3]

III. This art was considered by the Romans so important at one time, that the senate decreed that a certain number of young Etruscans, belonging to the principal families in the state, should always be instructed in it.[4] Niebuhr is mistaken in supposing that the children of Roman families, not young Etruscans, are here meant.[5] In later times the art fell into disrepute among well-educated Romans, and Cicero relates a saying of Cato, that he wondered why one *haruspex* did not laugh when he saw another.[6]

IV. Beasts of sacrifice were divided into *hostiæ animales*, or expiatory sacrifices, and *consultatoriæ*, or sacrifices for the purpose of divination. The liver was the part chiefly inspected (*caput extorum*), and was divided into two parts, a *pars familiaris* and a *pars hostilis* or *inimica*. From the former they conjectured what was to happen to themselves, and from the latter what was to happen to an enemy. The entrails were not merely examined immediately after the death of the victim, but also observed in the course of the sacrifice. Then the whole of the entrails that were the portion of the deity, along with the cuttings of the limbs (*præsegmina amputata*), were sprinkled with meal, wine, and frankincense, and burned upon the altar. This was termed *exta porricere;* and hence, if any person was prevented by an unlucky accident from doing what he had resolved upon, it was said to happen *inter cæsa* (*exta*) *et porrecta*, between the time of killing the victim and burning the entrails.

V. If the *caput jecinoris*, or protuberance of the liver at the entrance of the blood-vessels and nerves, was wanting, or in any respect deficient, it was considered a very bad omen.[7] If, on the other hand, the *caput* was double, it was considered a very good omen. When nothing could be concluded from the appearance of the entrails, they were said to be *exta muta;* if the signs were favorable, they were termed *bona*. If they were not favorable, another victim (*victima succidanea*) was offered up, and sometimes several, until they had offered up a favorable sacrifice, and then they were said to have propitiated the gods (*litasse diis*).

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[1] *Val. Max.*, i., 1, 1.
[2] *Cic., de Div.*, ii., 23; *Festus, s. v. Tages.*
[3] *Cic., de Div.*, i., 33. Compare *Macrob., Saturn.*, iii., 7.
[4] *Cic., de Div.*, i., 41.
[5] *Orelli, ad Cic., l. c.*
[6] *Cic., de Div.*, ii., 24.
[7] *Id. ib.*, i., 52; ii., 13.

QUINDECIMVIRI.

VI. The *Quindecimviri sacris faciundis*, sometimes called simply *Quindecimviri sacrorum*, were the guardians of the Sibylline books. They formed an ecclesiastical college, and were elected for life. Their duty was chiefly to take care of the Sibylline books, and to inspect them on all important occasions by the command of the senate.[1]

VII. Under the kings the care of the Sibylline books was committed to two men, called from their number *Duumviri*, of high rank,[2] one of whom, named Atilius or Tullius, was punished by Tarquin for being unfaithful to his trust, by being sewed up in a sack and cast into the sea.[3] On the expulsion of the kings, the care of these books was intrusted to the noblest of the patricians, who were exempted from all military and civil duties. Their number was increased about the year 367 B.C. to ten, of whom five were chosen from the patricians and five from the plebeians.[4] Subsequently their number was still farther increased to fifteen (*Quindecimviri*), probably by Sulla.

VIII. It was also the duty of the *Quindecimviri* and *Quinqueviri* to celebrate the games of Apollo[5] and the secular games.[6] They were, in fact, considered to be priests of Apollo, whence each of them had in his house a bronze tripod dedicated to that deity.[7]

The Sibylline Books are said to have been obtained in the reign of Tarquinius Priscus, or, according to other accounts, in that of Tarquinius Superbus, when a Sibyl (Σίβυλλα), or prophetic woman, presented herself before the king, and offered nine books for sale. Upon the king refusing to purchase them, she went and burned three, and then returned and demanded the same sum for the remaining six as she had done for the nine. The king again refused to purchase them, whereupon she burned three more, and demanded the same price for the remaining three as she had done at first for the nine. The king's curiosity now became excited, so that he purchased the books, and then the Sibyl vanished.[8]

These books were probably written in Greek, as the later ones undoubtedly were, and if so, consequently came from a Greek source, though it is doubtful from what quarter. Niebuhr[9] supposes them to have come from Ionia, but they were more probably derived from Cumæ in Campania.[10] They were kept in a stone chest, under ground, in the temple of Jupiter Capitolinus, under the custody of the officers mentioned above. The public were not allowed to inspect these books, and they were only

[1] *Liv.*, vii., 27; xxi., 62; xxxi., 12. [2] *Dionys.*, iv., 62.
[3] *Dionys.*, *l. c.*; *Val. Max.*, i., 1, 13. [4] *Liv.*, vi., 37, 42. [5] *Id.*, x., 8.
[6] *Tac.*, *Ann.*, xi., 11; *Hor.*, *Carm. Sæc.*, 70. [7] *Serv.*, *ad Æn.*, iii., 332.
[8] *Dionys.*, iv., 62; *Varro*, *ap. Lactant.*, i., 6; *Aul. Gell.*, i., 19; *Plin.*, *H. N.*, xiii., 27.
[9] *Hist. Rom.*, vol. i., p. 506. [10] *Göttling*, *Gesch. der Röm. Staatsv.*, p. 212.

consulted, as we have already remarked, by the officers who had charge of them, at the special command of the senate. They were not consulted, as the Greek oracles were, for the purpose of getting light concerning future events, but to learn what worship was required by the gods, when they had manifested their wrath by national calamities or prodigies.

When the temple of Jupiter Capitolinus was burned in B.C. 82, the Sibylline books perished in the fire; and in order to restore them, ambassadors were sent to various towns in Italy, Greece, and Asia Minor, to make fresh collections, which, on the rebuilding of the temple, were deposited in the same spot that the former had occupied, being placed in two gilt cases at the base of the statue of Apollo.

IX. Along with the Sibylline books were preserved, under the guard of the same officers, the books of the two prophetic brothers, the Marcii, the Etruscan prophecies of the nymph Bygoe, and those of Albuna or Albunea of Tibur.[1] Those of the Marcii, which had not been placed there at the time of the battle of Cannæ, were written in Latin.[2]

VESTAL VIRGINS.

X. The *Vestal Virgins* were the virgin priestesses of Vesta, who ministered in her temple, and watched the eternal fire. Their existence at Alba Longa is connected with the earliest Roman traditions, for Silvia, the mother of Romulus, was a member of the sisterhood.[3] Their establishment in Rome is generally ascribed to Numa.[4] They were originally four in number, two from the *Titienses* and two from the *Ramnes*;[5] and two more were subsequently added from the *Luceres* by Tarquinius Priscus, according to one authority,[6] and by Servius Tullius according to another.[7] This number of six remained unchanged to the latest times. The institution was abolished in the age of Theodosius the Great.

XI. They were originally chosen (*capere* is the technical word) by the king,[8] and during the republic and empire by the *pontifex maximus*. It was necessary that the maiden should not be under six nor above ten years of age, perfect in all her limbs, in the full enjoyment of all her senses, the daughter of free and free-born parents who had never been in slavery, who followed no dishonorable occupation, and whose home was in Italy.[9]

XII. The Lex Papia ordained that when a vacancy occurred, the *pontifex maximus* should name at his discretion twenty qualified maidens, one of whom was publicly fixed upon by lot, an exemption

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[1] *Lactant.*, i., 6.
[2] *Liv.*, xxv., 12; *Macrob.*, *Sat.*, i., 17.
[3] *Liv.*, i., 20; *Dionys.*, i., 76.
[4] *Dionys.*, ii., 65; *Plut.*, *Num.*, 10.
[5] *Dionys.*, ii., 67.
[6] *Plut.*, *Num.*, 10.
[7] *Dionys.*, iii., 67.
[8] *Liv.*, i., 3, 20.
[9] *Gell.*, i., 12.

being granted in favor of such as had a sister already a vestal, and of the daughters of certain priests of a high class.[1] As soon as the election was concluded, the *pontifex maximus* took the girl by the hand and addressed her in a solemn form of words. After this was pronounced, she was led away to the *atrium* of Vesta, and lived thenceforward within the sacred precincts, under the special superintendence and control of the pontifical college.[2]

XIII. The period of service lasted for thirty years. During the first ten the priestess was engaged in learning her mysterious duties;[3] during the next ten in performing them; during the last ten in giving instructions to the novices;[4] and so long as she was thus employed, she was bound by a solemn vow of chastity. But after the time specified was completed, she might, if she thought fit, throw off the emblems of her office,[5] unconsecrate herself (*exaugurare*),[6] return to the world, and even enter into the marriage state.[7] Few, however, availed themselves of these privileges; those who did were said to have lived in sorrow and remorse (as might indeed have been expected from the habits they had formed); and hence such a proceeding was considered ominous, and the priestesses, for the most part, died as they had lived, in the service of the goddess.[8]

XIV. The chief office of the Vestal Virgins was to watch by turns, night and day, the everlasting fire which blazed upon the altar of Vesta,[9] its extinction being considered as the most fearful of all prodigies, and emblematic of the extinction of the state. If such misfortune befell and was occasioned by the carelessness of the priestess on duty, she was stripped and scourged by the pontifex maximus, in the dark and with a screen interposed, and he rekindled the flame by the friction of two pieces of wood from a *felix arbor*.[10] Their other ordinary duties consisted in presenting offerings to the goddess at stated times, and in sprinkling and purifying the shrine each morning with water drawn from the Egerian fount, and in later times from a living spring or running stream. They assisted, moreover, at all great public holy rites, such as the festivals of the Bona Dea,[11] and the consecration of temples.[12] They also guarded the sacred relics which formed the *fatale pignus imperii*, the pledge granted by fate for the permanency of the Roman sway, deposited in the inmost adytum, which no one was permitted to enter save the virgins and *pontifex maximus*.

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1 *Gell., l. c.* 2 *Dionys.*, ii., 67; *Liv.*, iv., 44; viii., 15; *Plin., Ep.*, iv., 11.
3 *Val. Max.*, i., 1, 7. 4 *Dionys., l. c.*; *Senec., de Vit. Beat.*, 29.
5 *Dionys., l. c.* 6 *Gell.*, vi., 7. 7 *Plut., Num.*, 10.
8 *Tac., Ann.*, ii., 86. 9 *Cic., de Leg.*, ii., 8, 12; *Liv.*, xxviii., 11.
10 *Dionys.*, ii., 67. 11 *Dion Cass.*, xxxvii., 45. 12 *Tac., Hist.*, iv., 53.

XV. Supreme importance was attached to the purity of the vestals, and a terrible punishment awaited her who violated the vow of chastity. According to the law of Numa, she was simply to be stoned to death,[1] but from the time of Tarquinius Priscus downward the punishment was a much more cruel one. She was buried alive in a subterranean vault in the *Campus Sceleratus*,[2] and her seducer was publicly scourged to death in the Forum.[3]

XVI. The honors which the Vestals enjoyed were such as in a great measure to compensate for their privations. They were maintained at the public expense, and from sums of money and land bequeathed from time to time to the corporation.[4] They were completely released from all parental sway, had a right to make a will, and to give evidence in a court of justice without taking an oath.[5] From the time of the triumviri, each was preceded by a lictor when she went abroad;[6] consuls and prætors made way for them, and lowered their fasces;[7] even the tribunes of the commons respected their holy character,[8] and if any one passed under their litter, he was put to death.[9] They had also a conspicuous place at the gladiatorial shows[10] and in the theatre, the latter granted them by Augustus. Great weight was attached to their intercession on behalf of those in danger and difficulty;[11] and if they chanced to meet a criminal as he was led to punishment, they had a right to demand his release, provided it could be proved that the encounter was accidental. Wills, even those of the emperors, were committed to their charge, for when in such keeping they were considered inviolable; and in like manner, solemn treaties, such as that of the triumvirs with Sextus Pompeius, were placed in their hands.[12]

XVII. The Vestal Virgins were attired in a *stola*, over which was an upper vestment made of linen;[13] and, in addition to the *infula* and white woollen *vitta*, they wore when sacrificing a peculiar headdress called *suffibulum*, consisting of a piece of white cloth bordered with purple, oblong in shape, and secured by a clasp. In dress and deportment they were required to observe the utmost simplicity and decorum.

FRATRES ARVALES.

XVIII. The *Fratres Arvales* formed a college or company of twelve priests, and were so named from offering public sacrifices

[1] *Cedrenus, Hist. Comp.*, p. 259, *ed. Bekker.*
[2] *Dionys.*, iii., 67; *Zonaras*, vii., 8.
[3] *Dionys.*, ix., 40.
[4] *Suet., Octav.*, 31; *Tib.*, 76.
[5] *Gell.*, x., 15.
[6] *Dion Cass.*, xlvii., 19.
[7] *Senec., Controv.*, vi., 8.
[8] *Oros.*, v., 4; *Suet., Tib.*, 2.
[9] *Plut., Num.*, 10.
[10] *Cic., pro Muræn.*, 35.
[11] *Suet., Jul.*, 1.
[12] *Appian, B. C.*, v., 73.
[13] *Val. Max.*, i., 1, 7.

for the fertility of the fields (*arva*).[1] This priesthood is said to have been instituted by Romulus. The office was for life, and was not taken away even from an exile or captive. One of their annual duties was to celebrate a three days' festival in honor of Dea Dia, supposed to be Ceres, in the month of May. But, besides this festival of the Dea Dia, the *Fratres Arvales* were required on various occasions, under the emperors, to make vows and offer up thanksgivings.[2]

XIX. Under Tiberius, the *Fratres Arvales* performed sacrifices called the *Ambarvalia*, at various places on the borders of the *Ager Romanus*, or original territory of Rome; and it is probable that this was a custom handed down from time immemorial, and, moreover, that it was a duty of the priesthood to invoke a blessing on the whole territory of Rome. There were also the private *Ambarvalia*, which were so called from the victim (*hostia ambarvalis*) that was slain on the occasion being led three times round the corn-fields before the sickle was put to the corn. This victim was accompanied by a crowd of merry-makers, the reapers and farm-servants dancing and singing, as they marched, the praises of Ceres, and praying for her favor and presence, while they offered her the libations of milk, honey, and wine.[3] This ceremony was called also a *lustratio* or purification.

XX. The *Fratres Arvales* wore, as a badge of office, a chaplet of ears of corn (*spicea corona*) fastened on their heads with a white band.[4] The number given by inscriptions varies, but it is never more than nine; though, according to the legend and general belief, it amounted to twelve.

SEPTEMVIRI EPULONUM.

XXI. The *Epulones* were originally three in number, and were then called *Triumviri Epulones*. They were first created in B.C. 196, to attend to the *Epulum Jovis*,[5] and the banquets given in honor of the other gods, which duty had originally belonged to the *Pontifices*.[6] Their number was afterward increased to seven,[7] and they were then called *Septemviri Epulones*, or *Septemviri Epulonum*, under which names they are frequently mentioned in inscriptions.[8] Julius Cæsar added three more,[9] but after his time the number appears to have been limited to seven.

XXII. The Epulones formed a *Collegium*, and were one of the four

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1 *Varro, L. L.*, v., 85.
2 *Forcellini, Lex., s. v.*
3 *Virg., Georg.*, i., 338; *Id., Eclog.*, v., 83.
4 *Plin., H. N.*, xviii., 2.
5 *Val. Max.*, ii., 1, 2; *Liv.*, xxxi., 4; *Gell.*, xii., 8.
6 *Liv.*, xxxiii., 42; *Cic., de Orat.*, iii., 19.
7 *Gell.*, i., 12; *Lucan*, i., 602.
8 *Orelli, Inscrip.*, No. 590, 773, 2259, 2260, 2365.
9 *Dion Cass.*, xliii., 51.

great religious corporations at Rome; the other three were those of the *Pontifices*, *Augures*, and *Quindecimviri*.[1]

FETIALES.

XXIII. The *Fetiales* (less correctly written *Feciales*) were a college[2] of Roman priests who acted as the guardians of the public faith. It was their province, when any dispute arose with a foreign state, to demand satisfaction, to determine the circumstances under which hostilities might be commenced, to perform the various religious rites attendant on the solemn declaration of war, and to preside at the formal ratification of peace.

XXIV. When an injury had been received from a foreign state, four *fetiales*[3] were deputed to seek redress, who again elected one of their number to act as their representative. This individual was styled the *Pater patratus Populi Romani*. A fillet of white wool was bound round his head, together with a wreath of sacred herbs gathered within the inclosure of the Capitoline Hill (*Verbenæ*), whence he was sometimes named *Verbenarius*.[4] Thus equipped, he proceeded to the confines of the offending tribe, where he halted, and, addressing a prayer to Jupiter, called the god to witness, with heavy imprecations, that his complaints were well founded and his demands reasonable. He then crossed the border, and the same form was repeated, in nearly the same words, to the first native of the soil whom he might chance to meet; again a third time to the sentinel or any citizen whom he encountered at the gate of the chief town; and a fourth time to the magistrates in the Forum in presence of the people.

XXV. If a satisfactory answer was not returned within thirty days, after publicly delivering a solemn denunciation of what might be expected to follow, he returned to Rome, and, accompanied by the rest of the *Fetiales*, made a report of his mission to the senate. If the people as well as the senate decided for war, the *pater patratus* again set forth to the border of the hostile territory, and launched a spear tipped with iron, or charred at the extremity and smeared with blood (emblematic, doubtless, of fire and slaughter) across the boundary, pronouncing, at the same time, a solemn declaration of war. The demand for redress and the proclamation of hostilities were alike termed *clarigatio*.[5] The whole system is said to have been borrowed from the Aquicolæ or Ardeates, and similar usages undoubtedly prevailed among the Latin states.

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[1] *Dion Cass.*, liii., 1; lviii., 12; *Plin.*, *Ep.*, x., 3.
[2] *Liv.*, xxxvi., 3.
[3] *Varro*, *ap. Non.*
[4] *Plin.*, *H. N.*, xxxii., 2.
[5] *Plin.*, *H. N.*, xxii., 3; *Serv.*, *ad Virg.*, *Æn.*, ix., 53.

XXVI. The number of the *Fetiales* can not be ascertained with certainty, but they were probably twenty. They were originally selected from the most noble families, and their office lasted for life.

FLAMINES.

XXVII. *Flamen* was the name for any Roman priest who was devoted to the service of one particular god,[1] and who received a distinguishing epithet from the deity to whom he ministered.[2] The most dignified were those attached to Diiovis, Mars, and Quirinus, or the *Flamen Dialis*, *Flamen Martialis*, and *Flamen Quirinalis*. They are said to have been established by Numa.[3] The number was eventually increased to fifteen; the three original *flamens* were always chosen from among the patricians, and styled *Majores*;[4] the rest from the plebeians, with the epithet of *Minores*. Among the *Minores* we read of the *Flamen Floralis*, the *Flamen Carmentalis*, &c.

XXVIII. The *Flamens* were elected originally at the *Comitia Curiata*,[5] but it is conjectured that subsequently to the passing of the *Lex Domitia* (B.C. 104) they were chosen in the Comitia Tributa. After being nominated by the people, they were received (*capti*) and installed (*inaugurabantur*) by the *Pontifex Maximus*,[6] to whose authority they were at all times subject.[7]

XXIX. The office was understood to last for life, but a *flamen* might be compelled to resign for a breach of duty, or even on account of the occurrence of an ill-omened accident while discharging his functions.[8] Their characteristic dress was the *Apex*, a species of cap surmounted by a pointed piece of olive wood, the base of which was surrounded with a lock of wool; the *Læna*, a woollen cloak of twice the ordinary thickness, and shaggy upon both sides; and a laurel wreath.

XXX. The most distinguished of all the *flamens* was the *Dialis*, the lowest in rank the *Pomonalis*. The former enjoyed many peculiar honors. He alone of all priests wore the *albogalerus*,[9] a fur cap made of the skin of a *white* victim which had been sacrificed to Jupiter, with a spike of olive projecting from the top; he had a right to a lictor,[10] to the *toga prætexta*, to the *sella curulis*, and to a seat in the senate in virtue of his office. If one in bonds took refuge in his house, his chains were immediately struck off. To counterbalance these high honors, the *Dialis* was subjected to a multitude of restrictions. It was unlawful for him to be out of the city for a

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[1] *Cic., de Leg.*, ii., 8. [2] *Varro, L. L.*, v., 84. [3] *Liv.*, i., 20; *Dionys.*, ii., 64.
[4] *Gaius*, i., 112. [5] *Gell.*, xv., 27. [6] *Liv.*, xxvii., 8; xxix., 38.
[7] *Liv., Epit.*, xix.; xxxvii., 51; *Val. Max.*, i., 1, 2. [8] *Val. Max.*, i., 1, 4.
[9] *Varro, ap. Gell.*, x., 15. [10] *Plut., Q. R.*, p. 119, *ed. Reiske.*

single night;[1] and he was forbidden to sleep out of his own bed for three nights consecutively.[2] He might not mount upon horseback, nor even touch a horse, nor look upon an army marshalled without the pomoerium, and hence he was seldom elected to the consulship. The object of the above rules was manifestly to make him literally *Jovi adsiduum sacerdotem*, to compel constant attention to the duties of the priesthood.

XXXI. *Flaminica* was the name given to the wife of the *Dialis*. And as her assistance was essential in the performance of certain ordinances, a divorce was not permitted; and if she died, the Dialis was obliged to resign. Nor could he marry a second time.

SALII.

XXXII. The *Salii* were priests of Mars Gradivus, and were said to have been instituted by Numa. They were twelve in number, chosen from the patricians even in the latest times, and formed an ecclesiastical corporation.[3] They had the care of the twelve *Ancilia*, which were kept in the temple of Mars on the Palatine Hill, whence these priests were sometimes called *Salii Palatini*, to distinguish them from the other *Salii* whom we shall presently mention.

XXXIII. The *Ancilia*[4] were made of bronze. The original *ancile* was found, according to tradition, in the palace of Numa; and as no human hand had brought it there, it was concluded that it had been sent from heaven. At the same time, the haruspices declared that the Roman state would endure so long as this shield remained at Rome. To secure its preservation in the city, Numa ordered eleven other shields, exactly like it, to be made by the armorer, Mamurius Veturius. Some modern writers, however, suppose the name Mamurius Veturius to be only another appellation for Mars.

XXXIV. The distinguishing dress of the Salii was an embroidered tunic bound with a brazen belt, the *trabea*, or toga ornamented with horizontal purple stripes, and the *Apex*, a cap also worn by the *Flamines*. Each had a sword by his side, and in his right hand a spear or staff.[5] The festival of Mars was celebrated by the Salii on the first of March, and for several successive days, on which occasion they were accustomed to go through the city in their official dress, carrying the *ancilia* in their left hands or suspended from their shoulders, and at the same time singing and *dancing*, whence comes their name. In the dance they struck the shields with rods,

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[1] *Liv.*, v., 52.

[2] For other curious restrictions, consult *Plutarch, Q. R.*, p. 114, 118, 164–170.

[3] *Liv.*, i., 20; *Dionys.*, ii., 70; *Cic., de Repub.*, ii., 14.

[4] *Ovid, Fast.*, iii., 377; *Crombie, Gymnas.*, i., p. 247.

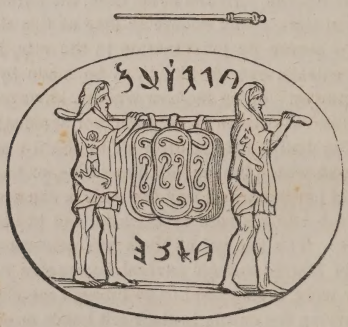
[5] *Dionys.*, ii., 70.

so as to keep time with their voices and with the movements of the dance.[1]

XXXV. The songs or hymns which they sang on this occasion[2] were called *Asamenta*, *Assamenta*, or *Axamenta*, and were chiefly in praise of Mamurius Veturius. The praises of the gods were also celebrated in the songs of the Salii. In later times, these songs were scarcely understood even by the priests themselves.[3] At the conclusion of the festival, the Salii were accustomed to partake of a splendid entertainment in the temple of Mars, which was proverbial for its excellence.[4]

XXXVI. Tullus Hostilius established another college of Salii, in fulfillment of a vow which he made in a war with the Sabines. These Salii were also twelve in number, chosen from the patricians, and appear to have been dedicated to the service of Quirinus. They were called the *Salii Collini*, *Agonales* or *Agonenses*.[5]

The shape of the *Ancile* is exhibited in the annexed cut. It illustrates the accounts of the ancient writers that the form of the shield was oval, but with the two sides receding inward with an even curvature, and so as to make it broader at the ends than in the middle. At the top is represented one of the rods with which the Salii were accustomed to beat the shield in their dance. The persons engaged in carrying these *ancilia* on their shoulders are probably servants of the Salii.



[1] *Liv.*, i., 20; *Dionys.*, *l. c.*
[2] *Hor.*, *Ep.*, ii., 1, 86; *Tac.*, *Ann.*, ii., 83.
[3] *Varro*, *L. L.*, vii., 2; *Hor.*, *l. c.*
[4] *Suet.*, *Claud.*, 33; *Cic.*, *ad Att.*, v., 9; *Hor.*, *Carm.*, i., 37.
[5] *Liv.*, i., 27; *Dionys.*, ii., 70; iii., 32; *Varro*, *L. L.*, vi., 14.

LUPERCI.

XXXVII. The *Luperci* were the priests of the god Lupercus. They formed a college, the members of which were originally youths of patrician families, and which was said to have been instituted by Romulus and Remus. The college was divided into two classes, the one called *Fabii* or *Fabiani*, and the other *Quinctilii* or *Quinctiliani*.[1] The office was not for life, but how long it lasted is not known. Julius Cæsar added to the two classes of the college a third, with the name of Julii or Juliani, and made Antonius their high priest. He also assigned to them certain revenues, which were, however, afterward withdrawn from them.

XXXVIII. The festival of Lupercus, who was regarded as the god of fertility, was called *Lupercalia*. It was celebrated every year on the fifteenth of February in the Lupercal, where Romulus and Remus were said to have been nurtured by the she-wolf. The place contained an altar and a grove sacred to the god Lupercus.[2] On this festival the Luperci ran up and down the streets naked, having only a girdle of goats' skins round their waists, and thongs of the same in their hands, with which they struck those whom they met, particularly married women, who were thence supposed to be rendered prolific.[3]

GALLI.

XXXIX. The *Galli* were the priests of Cybele, whose worship was introduced at Rome from Phrygia.[4] In their wild, enthusiastic, and boisterous rites they resembled the Corybantes.[5] They seem to have been always chosen from a poor and despised class of people, for, while no other priests were allowed to beg, the Galli were allowed to do so on certain days. The chief priest among them was called *Archigallus*.[6]

Feb. 4. 1852

CHAPTER XIX.

SERVANTS OF THE PRIESTS.—PRAYERS AND VOWS.—SACRIFICES.—VARIOUS SOLEMNITIES.—PUBLIC FESTIVALS.—DIVISION OF DAYS.

SERVANTS OF THE PRIESTS.

I. The *Servants of the priests* were as follows: 1. Those who took care of the temples were called *Æditui*, residing in the temple itself,

[1] *Festus, s. v.*
[2] *Aurel. Vict., de Orig. Gent.*, 22; *Ovid, Fast.*, ii., 267.
[3] *Val. Max.*, ii., 2, 9.
[4] *Liv.*, xxix., 10; xxxvi., 36.
[5] *Lucan*, i., 565.
[6] *Serv., ad Æn.*, ix., 116.

or near to it. They acted also as ciceroni to those persons who wished to see these sacred edifices.[1]—2. The *Popæ* and *Victimarii* killed the victims, and were of the lowest class. When about to kill the victim, the *Popa* asked the priest, *Agone?* whereupon the priest answered, *Hoc age.*[2]—3. The *Camilli* and *Camillæ* were free-born boys and girls, who served the priests. The boy who served the *Flamen Dialis* was called *Flaminius Camillus.*[3] There were also various kinds of musicians, such as *Tibicines*, *Tubicines*, *Fidicines*; for all festivals were accompanied by music. Among the Etrurians they were called *Subulones*. They lived together very luxuriously at the public expense, and hence Plautus has *tibicinum more vivere* for "to live extravagantly." When they were deprived of these benefits (A.U.C. 436), they left the city; but as their place could not be supplied, they were recalled, and received permission to celebrate a festival called *Quinquatrus Minusculæ*, or *Quinquatrus Minores*, in honor of Minerva,[4] the patroness of those who played on wind instruments. This festival was celebrated on the Ides (13th) of June, and on this occasion the tibicines went through the city in procession to the temple of the goddess. We may also mention among the servants of the priests the *Calatores*, or messengers, who called the priests; the *Præcones*, who ordered silence during the sacrifice, calling out *Favete linguis*; the *Fictores*, who prepared the victim; and the *Cultrarius*, who slaughtered it.

PRAYERS AND VOWS.

II. No act of religious worship was performed without prayer. The words used were thought of the greatest importance, and varied according to the nature of the sacrifice.[5] Those who prayed stood usually with their heads covered[6] (*capite velato* vel *operto*), looking toward the east. A priest pronounced the words before them: they frequently touched the altars, or the knees of the images of the gods, turning themselves round in a circle (*in gyrum se convertebant*)[7] toward the right. Sometimes they put their right hand to their mouth (*dextram ori admovebant*, whence *adoratio*), and also prostrated themselves on the ground.

III. They used with the same solemnity to offer up vows. They vowed temples, games, thence called *Ludi Votivi*, sacrifices, gifts, a certain portion of the plunder of a city, &c. Sometimes they used to write their vows on paper or waxen tablets, to seal them

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[1] *Plin., H. N.*, xxxvi., 4, 10; *Cic., Verr.*, iv., 44; *Liv.*, xxx., 17.
[2] *Serv., ad Æn.*, xii., 120; *Suet., Calig.*, 32.
[3] *Dionys.*, ii., 21; *Varro, L. L.*, vii., 34.
[4] *Varro, L. L.*, vi., 14.
[5] *Val. Max.*, i., 1.
[6] *Virg., Æn.*, iii., 405.
[7] *Liv.*, v., 21.

up, and fasten them with wax to the knees of the images of the gods; hence *genua incerare deorum*.[1] The person who made a vow was said to be *voti reus*, and when he obtained his wish, *voti damnatus*, bound to make good his vow.[2] Those who implored the aid of the gods sometimes used to lie in their temples, as if to receive from them responses in their sleep.[3] The sick, in particular, did so in the temple of Æsculapius.[4]

IV. Those saved from shipwreck used to hang up their garments in the temple of Neptune.[5] Soldiers, when discharged, used to suspend their arms to Mars; gladiators their swords to Hercules;[6] and poets, when they finished a work, the fillets of their hair to Apollo.[7]

V. *Thanksgivings* (*gratiarum actiones*) used always to be made to the gods for benefits received, and upon all fortunate events. When a general had obtained a victory, a thanksgiving (*supplicatio*) was decreed by the senate to be made in all the temples, and what was called a *Lectisternium* took place, when couches were spread (*lecti* vel *pulvinaria sternebantur*) for the gods, as if about to feast, and their images taken down from their pedestals and placed upon these couches round the altars, which were loaded with the richest dishes.[8] Hence *ad omnia pulvinaria sacrificatum*. This honor was decreed to Cicero for having suppressed the conspiracy of Catiline. A *supplication* was also decreed in times of danger or public distress, when the women, prostrating themselves on the ground, sometimes swept the temples with their hair. The *Lectisternium* was first introduced in the time of a pestilence, A.U.C. 356.

SACRIFICES.

VI. Sacrifices or offerings formed the chief part of the worship of the ancients. They were partly signs of gratitude, partly a means of propitiating the gods, and partly also intended to induce the deity to bestow some favor upon the sacrificer, or upon those on whose behalf the sacrifice was offered.

VII. In sacrifices it was requisite that those who offered them should come chaste and pure; that they should bathe themselves; be dressed in white robes, and crowned with the leaves of that tree which was thought most acceptable to the god whom they worshipped. Sometimes also in the garb of suppliants with dishevelled hair, loose robes, and barefooted. Vows and prayers were always made before the sacrifice.

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[1] *Juv.*, x., 55. [2] *Macrob.*, *Sat.*, iii., 2; *Virg.*, *Eclog.*, v., 80.
[3] *Serv.*, *ad Virg.*, *Æn.*, vii., 88; *Cic.*, *Divin.*, i., 43.
[4] *Plaut.*, *Curc.*, i., 1, 61; ii., 2, 10. [5] *Virg.*, *Æn.*, xii., 768; *Horat.*, *Od.*, i., 5.
[6] *Horat.*, *Ep.*, i., 1, 4. [7] *Stat. Silv.*, iv., 4, 92. [8] *Horat.*, *Od.*, i., 37.

VIII. All sacrifices may be divided into *Bloody* and *Unbloody* Sacrifices.

IX. *Bloody Sacrifices.* Traces of human sacrifices are found in early Roman history. One of these is the symbolic sacrifice of human figures made of rushes, at the *Lemuralia*, or festival for the souls of the departed, which was celebrated at Rome every year in the month of May. A second class of bloody sacrifices were those of animals of various kinds, according to the nature and character of the divinity. In early times, it appears to have been the general custom to burn the whole victim, and the same was in some cases also observed in later times. But as early as the time of Homer, it was the almost general practice to burn only the legs inclosed in fat, and certain parts of the intestines, while the remaining parts of the victim were consumed by men at a festive meal. The gods delighted chiefly in the smoke arising from the burning victim, and the greater the number of victims, the more pleasing was the sacrifice.

X. Among both the Greeks and Romans the animals that were sacrificed were chiefly of the domestic kind, as bulls, cows, sheep, rams, lambs, goats, pigs, dogs, and horses; and each god had his favorite animals which he liked best as sacrifices.[1] The head of the victim, before it was killed, was in most cases strewed with roasted barley-meal mixed with salt (*mola salsa*). It was necessary that the animals to be sacrificed should be without spot and blemish, never yoked in the plough, and therefore they were chosen from a flock or herd approved by the priests, and marked with chalk, whence they were called by the Romans *egregiæ*, *eximiæ*, *lectæ*. They were adorned with fillets and ribbons (*infulis et vittis*), and crowns, and their horns were sometimes gilt. Before the animal was killed, a bunch of hair was cut from its forehead and thrown into the fire, as *primitiæ*.[2]

XI. Among the Romans, the most common animal sacrifices were the *Suovetaurilia*, or *Solitaurilia*, already alluded to (page 92). The victim, however, was in most cases not killed by the priests, as among the Greeks, but by a person called *Popa* (page 194), who struck the animal with a hammer before the knife was used.[3] The better part of the intestines (*exta*) were strewed with barley-meal, wine, and incense, and were burned upon the altar. Those parts of the animal that were burned were called *prosecta*, *prosiciæ*, or *ablegmina*. When a sacrifice was offered to gods of rivers or of the sea, these parts were not burned, but thrown into the water. Respecting the

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[1] *Athen.*, vii., p. 297. [2] *Hom.*, *Il.*, xix., 254; *Herod.*, ii., 45. [3] *Serv.*, *ad Æn.*, xii., 120.

use which the ancients made of sacrifices to learn the will of the gods, consult remarks under *Haruspex* (page 182).

XII. *Unbloody Sacrifices.* Among these we may first mention *libations.* Bloody sacrifices were usually accompanied by libations, as wine was poured upon them. The wine was usually poured out in three separate streams. Libations always accompanied a sacrifice which was offered in concluding a treaty with a foreign nation. They were also made, however, independently of any other sacrifice, as in solemn prayers, and on many other occasions of public and private life, as before drinking at meals and the like. Libations usually consisted of unmixed wine (*merum*), but sometimes also of milk, honey, and other fluids, either pure or diluted with water. The libations offered to the Furies were always without wine. Incense was likewise an offering which usually accompanied bloody sacrifices, but it was also burned as an offering for itself.

XIII. A third class of unbloody sacrifices consisted of fruit and cakes. The former were mostly offered to the gods as *primitiæ*, or tithes of the harvest, and as a sign of gratitude. They were sometimes offered in their natural state, sometimes also adorned or prepared in various ways. Cakes were peculiar to the worship of certain deities, as to that of Apollo. They were either simple cakes of flour, sometimes also of wax, or they were made in the shape of some animal, and were then offered as symbolical sacrifices in place of real animals, either because these could not easily be procured, or were too expensive for the sacrificer.

SACRED SOLEMNITIES.

XIV. Among the *Sacred Solemnities* of the Romans we must mention the following: 1. *Dedicatio.* 2. *Exauguratio.* 3. *Devotio.* 4. *Execratio.* 5. *Lustratio.* 6. *Apotheosis.*

XV. By *Dedicatio* is meant the solemn consecration of temples, altars, &c. This was originally performed by the kings, afterward by the consuls, frequently by two magistrates appointed for the purpose, and therefore called *Duumviri dedicandis templis.* The senate previously sanctioned it, and the *Pontifex Maximus* was present at the solemnity in order to pronounce the form of dedication, which was followed by the acclamations of the people, by sacrifices, games, and banquets. Of a similar nature was *consecration* (*consecratio*), only this extended to numerous and individual objects, such as statues, sacrificial utensils, fields, beasts, &c., and diverted them from their ordinary uses.

XVI. *Exauguratio*, on the other hand, was the act of changing a

[1] *Plin., H. N.*, xiv., 19; *Soph., Œd. Col.*, 159, 481; *Æschyl., Eum.*, 107.

sacred thing into a profane one, or of taking away from it the sacred character which it had received by inauguratio, consecratio, or dedicatio. Such an act was performed by the augurs, and never without consulting the pleasure of the gods by *augurium*.[1]

XVII. When any one voluntarily sacrificed his life to the *Dii Manes* either for the state or for individuals, it was termed *Devotio*. Sometimes the Roman commanders devoted hostile armies and cities to the infernal gods, as, for instance, Veii, Carthage, Corinth, &c. This act was termed *Execratio*. On the occasion, too, of any one's clearing himself of perjury, he generally used an oath (*juramentum*), long held to be a most sacred obligation among the Romans, in doing which the altar of the god by whom any one swore was laid hold of, whence *jurare aram*, *tacta sacra*. Festus quotes the following form of swearing by Jupiter, the party holding a flint-stone in his hand at the time: "*Si sciens fallo, tum me Diespiter, salva urbe arceque, bonis ejiciat, ut ego hanc lapidem.*[2]

XVIII. *Lustratio* consisted in sacrificing a victim which had been led around the object or place to be purified, with the intention both of appeasing and imploring the god, and was done either publicly or privately. Lustrations were those of the people, of the city, of fields (*ambarvalia*, page 188), of villages, of an army, of a fleet, &c.

XIX. *Apotheōsis* (ἀποθέωσις) was the enrollment of a mortal among the gods. Among the Romans it properly signified the elevation of a deceased emperor to divine honors. This apotheosis of an emperor was usually called *consecratio*, and the emperor who received the honor was usually said *in deorum numerum referri* or *consecrari*, and whenever he is spoken of after his death, the title of *divus* is prefixed to his name. The funeral pile, on which the body of the deceased emperor was burned, was constructed of several stories, in the form of chambers, rising one above the other, and in the highest an eagle was placed, which was let loose as the fire began to burn, and was supposed to carry the soul of the emperor from earth to heaven.[3]

PUBLIC FESTIVALS.

XX. The *Public Festivals* or *Feriæ*, of which there was a very great number, were divided into *stativæ*, *conceptivæ*, and *imperativæ*. The *Feriæ Stativæ* were those which were held regularly, and on certain days marked in the calendar. The *Feriæ Conceptivæ* were

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[1] *Liv.*, i., 55; v., 54; *Dionys.*, iii., p. 202, *ed. Sylburg.*; *Cato, ap. Fest., s. v. Nequitium.*

[2] *Festus, s. v. Lapis*; *Cic., Ep. ad Fam.*, viii., 1, 12; *Liv.*, xxi., 45; *Gell.*, i., 41.

[3] *Herodian*, iv., 2.

those that were held every year, but not on certain or fixed days, the time being every year appointed by the magistrates or priests. The *Feriæ Imperativæ* were those which were held on certain emergencies, at the command of the consuls, prætors, or of a dictator.

XXI. The manner in which all public *feriæ* were kept bears great analogy to the observance of our Sunday. The people visited the temples of the gods, and offered up their prayers and sacrifices. The most serious and solemn seem to have been the *feriæ imperativæ*, but all the others were generally attended with rejoicings and feasting. All kinds of business, especially law-suits, were suspended during the public *feriæ*, as they were considered to pollute the sacred season.

XXII. The *stated festivals* were chiefly the following:

In *January:* 1. The *Agonalia*, in honor of Janus, on the 9th; and also on the 21st of May.[1]—2. *Carmentalia*, in honor of Carmenta, the mother of Evander, on the 11th.[2] This was only a half-holiday.—3. On the 13th (the Ides) a wether was sacrificed to Jupiter.[3] On this day also the name of Augustus was conferred on Octavianus.[4] On the first day of this month people used to wish one another health and prosperity, and to send presents to their friends.[5]

In *February:* 1. The *Faunalia*, to the god Faunus, on the 13th.[6]—2. *Lupercalia*, to Lupercus, the god of fertility, on the 15th.—3. *Quirinalia*, to Romulus, on the 17th.—4. *Feralia*, to the *Dii Manes*, on the 21st (Ovid says the 17th or 18th).—5. *Terminalia*, to the god Terminus, on the 23d.—6. *Regifugium*, in commemoration of the flight of King Tarquinius, on the 24th.

In *March:* 1. The *Matronalia*, celebrated by the matrons for various reasons, but chiefly in memory of the war terminated between the Romans and Sabines.[7] Celebrated on the first day of the month, when presents used to be given by husbands to their wives.[8]—2. *Festum Anciliorum*, on the same day, and the three following, when the *ancilia* were carried through the city in procession by the Salii, and the day ended with a sumptuous banquet.[9]—3. *Liberalia*, to Bacchus, on the 18th, when boys who had completed their fifteenth year used to put on the *toga virilis*, or manly gown.—4. *Quinquatrus* or *Quinquatria*, in honor of Minerva, on the 19th, at first only for one day, but afterward for five, whence the festival got its name.[10] At this time boys brought presents to their masters called *Minervalia*.

In *April:* 1. The *Megalesia* or *Megalensia*, to Cybele, the great mother of the gods, on the 4th or 5th, and accompanied with games. These games, however, were purely scenic, and not those of the circus. Four of the extant plays of Terence were performed at this festival.—2. *Palilia*, to

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[1] *Ovid, Fast.*, i., 318, *seqq.* [2] *Id. ib.*, 461. [3] *Id. ib.*, 588. [4] *Id. ib.*, 590.
[5] *Plin., H. N.*, xxviii., 2, 5; *Ovid, Fast.*, i., 175. [6] *Ovid, Fast.*, ii., 195.
[7] *Id. ib.*, iii., 170. [8] *Plaut., Mil.*, iii., 1, 97; *Tibull.*, iii., 1.
[9] *Ovid, Fast.*, iii., 259; *Horat., Od.*, i., 37. [10] *Juv.*, x., 115.

Pales, the divinity of shepherds, on the 21st (page 1).—3. *Floralia*, to Flora, begun on the 28th, and continued to the 3d of May.[1]

In *May:* 1. The sacred rites of the *Bona Dea*, on the 1st of the month, performed by the Vestal Virgins and by women only, in the house of the consuls and prætors.[2]—2. *Compitalia*, on the 2d, to the *Lares Compitales*, to whom sacrifices were offered at places where two or more ways met. —3. *Lemuria*, on the 9th, to the *Lemures*. Sacred rites were performed to them for three nights, not successively, but alternately. On the 12th there were Circensian games in honor of Mars Ultor. On the 13th, the festival of merchants (*festum mercatorum*), when they offered up prayers and sacred rites to Mercury.—6. *Vulcanalia*, on the 23d, to Vulcan, called *Tubilustria*, because then the sacred trumpets were purified.[3]

In *June:* 1. *Vestalia*, on the 9th, to Vesta. On this day Crassus was defeated and slain.[4]—2. *Matralia*, on the 11th, to Mother Matuta, &c. With the festivals of June the six books of Ovid, called *Fasti*, end; the other six are lost.

In *July:* 1. The festival of *Female Fortune*, on the 4th, in memory of Coriolanus withdrawing his army from the city.[5]—2. The *Ludi Apollinares*,[6] on the 6th. The games connected with the celebration were held in the Circus Maximus.—3. The birth-day of Julius Cæsar, on the 12th.—4. On the 16th was the *Dies Alliensis*, or *dies ater et funestus*, on which the Romans were defeated by the Gauls.[7]—5. *Neptunalia*, on the 23d, in honor of Neptune.

In *August:* 1. The festival of Diana, on the 13th, or Ides; and also the anniversary of the birth of King Tullius, on which occasion masters served their slaves as at the Saturnalia.—2. *Vinalia*. There were two festivals of this name, the *Vinalia Urbana* and the *Vinalia Rustica*. The former was celebrated on the 23d of April, when the wine-casks which had been filled the preceding autumn were opened for the first time, and the wine tasted. The *rustic Vinalia* fell on the 19th of August, and was the day on which the vintage was opened, and a libation of new wine was made to Jupiter and Venus.[8]—3. *Consualia*, on the 18th, in honor of *Consus*, the god of counsel, or of Equestrian Neptune, at which the Sabine women were carried off by the Romans.[9]

In *September:* 1. *Ludi Magni* or *Romani*, on the 4th, in honor of the great deities Jupiter, Juno, and Minerva, for the safety of the city.—2. *Meditrinalia*, on the 30th, to Meditrina, the goddess of curing or healing (*medendi*), when they first drank new wine.

In *October:* 1. *Augustalia*, or *Ludi Augustales*, on the 12th, to celebrate the return of Augustus at the conclusion of his wars.—2. *Faunalia*, on the 13th.—3. On the 15th, or Ides, a horse was sacrificed, called *Equus Octobris*, because Troy was supposed to have been taken in this month by the wooden horse.

In *November:* 1. *Epulum Jovis*, a sacred feast on the 13th.—2. On the

[1] *Plin., H. N.*, xviii., 29. [2] *Juv.*, vi., 339; *Dion Cass.*, xxxvii., 35.
[3] *Ovid, Fast.*, v., 725. [4] *Id. ib.*, vi., 465. [5] *Liv.*, ii., 40.
[6] *Id.*, xxv., 12; xxvii., 23. [7] *Cic., Att.*, ix., 5; *Suet., Vit.*, 2.
[8] *Ovid, Fast.*, iv., 863; *Keightley, ad loc.* [9] *Liv.*, i., 19; *Ovid, Fast.*, iii., 199.

27th, sacred rites were performed on account of two Greeks and two Gauls, a man and woman of each, who were buried alive in the ox-market.[1]

In *December:* 1. *Faunalia,* on the 5th, or nones.[2]—2. *Saturnalia,* or festival of Saturn, already described.—3. *Laurentinalia* or *Larentalia,* on the 23d, in honor of Acca Laurentia, the wife of Faustulus, and nurse of Romulus.

XXIII. The *Feriæ Conceptivæ* were the following:

1. *Feriæ Latinæ,* or Latin Holidays, said to have been instituted by the last Tarquin, in commemoration of the alliance between the Romans and Latins. The festival, however, was in truth of much higher antiquity.[3] It was a festival of the whole Latin nation, celebrated on the Alban Mount; and all that the last Tarquin did was to convert the original Latin festival into a Roman one, and to make it the means of hallowing and cementing the alliance between the two nations. Before the union, the chief magistrate of the Latins presided at this festival; but Tarquin now assumed this distinction, which, subsequently, after the destruction of the Latin commonwealth, remained with the chief magistrates of Rome.[4] Jupiter Latiaris was worshipped on this occasion. As the *Feriæ Latinæ* belonged to the *Conceptivæ,* the time of their celebration greatly depended on the state of affairs at Rome, since the consuls were never allowed to take the field until they had held the *Feriæ Latinæ.* Hence this festival became a great engine in the hands of the magistrates, who had to appoint the time of its celebration, and was often made to subserve political purposes. These *Feriæ* lasted six days.

2. *Paganalia,* celebrated in the different *pagi.* Each *pagus* had its own sacred rites, and an annual festival called *Paganalia* (page 32).

XXIV. *Feriæ Imperativæ* were celebrated when it was said to have rained stones, or for expiating other prodigies; as also on account of a victory, a *justitium,* or cessation from public business on account of some public calamity, as a dangerous war, the death of an emperor, &c.

DIVISION OF DAYS.

XXV. All the days of the year were, according to different points of view, divided by the Romans into different classes. For the purpose of the administration of justice, all days were divided into *dies fasti* and *dies nefasti.*

XXVI. *Dies Fasti* were the days on which the prætor was allowed to administer justice in the public courts. They derived their name from *fari* (*quod iis diebus hæc tria verba* fari *licebat, do, dico, addico,* page 82). On some of the *dies fasti* comitia could be held, but not on all.[5] The regular *dies fasti* were marked in the Roman

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[1] *Liv.,* xxii., 67; *Plin., H. N.,* xxviii., 2, 3.
[2] *Horat., Od.,* iii., 18.
[3] *Niebuhr, Hist. Rom.,* ii., p. 34.
[4] *Liv.,* v., 17.
[5] *Cic., pro Sext.,* 15; *Manutius, ad loc.*

calendar by the letter F, and their number in the course of the year was thirty-eight.[1]

XXVII. *Dies Nefasti*, on the other hand, were days on which neither courts of justice nor comitia were allowed to be held, and which were dedicated to other purposes.[2] The term *dies nefasti*, which originally had nothing to do with religion, but simply indicated days on which no courts were to be held, was in subsequent times applied to religious days in general, as *dies nefasti* were mostly dedicated to the worship of the gods.[3]

XXVIII. *Dies Intercisi* were those on which the prætor might hold his courts, but not at all hours, so that sometimes one half of such a day was *fastus*, and the other half was *nefastus*. Their number was sixty-five in the year.

XXIX. In a religious point of view, all days of the year were either *dies festi* or *dies profesti*, or *dies intercisi*. According to the definition given by Macrobius, *dies festi* were dedicated to the gods, and spent with sacrifices, repasts, games, and other solemnities; *dies profesti*, on the other hand, belonged to men for the administration of their private and public affairs.

XXX. *Dies Profesti* were either *dies fasti* or *dies comitiales*, that is, days on which the comitia were held; or *dies comperendini*, that is, days to which any action was allowed to be transferred; or *dies stati*, that is, days set apart for causes between Roman citizens and foreigners; or *dies præliales*, that is, days on which religion did not forbid the commencement of a war.

5 Feb. 1852.

CHAPTER XX.

ROMAN GAMES AND AMUSEMENTS.

DIVISION OF GAMES.—LUDI CIRCENSES.—CIRCUS MAXIMUS.—SHOWS OF GLADIATORS.—AMPHITHEATRES.—LUDI SÆCULARES.

I. GAMES among the Romans constituted a part of religious worship. All games were divided into two classes, *ludi circenses*, or those held in the circus, and *ludi scenici*, or those held in the theatre. The latter were mostly theatrical representations, with their various modifications.

II. Another division of games was into *ludi stati*, or stated games; *ludi imperativi*, or those celebrated on particular emergencies or extraordinary occasions; and *ludi votivi*, or games celebrated in fulfill-

[1] *Niebuhr, Hist. Rom.*, iii., p. 314.
[2] *Varro, L. L.*, vi., 29, 30, *ed. Müller.*
[3] *Gell.*, iv., 9; v., 17.

ment of some vow made by generals in war. This latter division was analogous to that of the *feriæ* (page 198).

III. The most famous games were those celebrated in the *Circus Maximus*, and hence called *ludi Circenses*. We will give a brief sketch of these.

LUDI CIRCENSES.

IV. The *Ludi Circenses*, or Circensian Games, were instituted by Romulus, as is said, when he wished to attract the Sabine population to Rome for the purpose of procuring consorts for his people,[1] and were celebrated in honor of the god Consus, or Neptunus Equestris, from whom they were styled *Consuales*.[2] But after the construction of the *Circus Maximus* by Tarquinius Priscus, they were called indiscriminately *Circenses*,[3] *Romani*, or *Magni*.[4]

V. The *Circus Maximus* was built by Tarquinius Priscus,[5] and afterward, at different times, magnificently adorned. The appellation of Circus *Maximus*, however, was not given to it until a subsequent period, when it was used for distinction' sake from the Circus *Flaminius*, and other similar buildings, which it surpassed in extent and splendor, and hence it is often spoken of as *the* Circus, without any distinguishing epithet.

VI. The *Circus Maximus* lay between the Palatine and Aventine Hills, and was of an oblong form, terminating in a semicircle at one extremity, and inclosed at the opposite end by a pile of buildings called *oppidum* or "the town." The length of it, in the time of Julius Cæsar, was three *stadia*, or one thousand eight hundred and twenty feet, and the breadth one *stadium*.[6] There were rows of seats all around, rising one above another, the lowest of stone and the highest of wood. The numbers which it was capable of containing are computed by Dionysius[7] at one hundred and fifty thousand, by Pliny[8] at two hundred and sixty thousand, and by P. Victor[9] at three hundred and eighty-five thousand; all of which are probably correct, but have reference to different periods of its history. Its circumference was a mile. As it was also used for hunting wild beasts, Julius Cæsar drew a canal, called *Euripus*,[10] ten feet wide, at the bottom of the *podium*, or parapet erected in front of the lowest range of spectators, in order to insure additional protection. As the seats were hard and high, the women made use of a

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1 *Val. Max.*, ii., 4, 3.
2 *Liv.*, i., 9.
3 *Serv., ad Virg., Georg.*, iii., 18.
4 *Liv.*, i., 35.
5 *Liv., ib.*; *Dionys.*, iii., p. 192.
6 *Plin., H. N.*, xxxvi., 24.
7 *Dionys.*, iii., p. 192.
8 *Plin., H. N.*, xxxvi., 24.
9 *Regio* xi.
10 *Suet., Jul.*, 39.

cushion (*pulvinus*), and a footstool (*scamnum*, *scabellum*).[1] At first the spectators sat promiscuously; but under the emperors, when it became necessary to give an adventitious rank to the upper classes by privileges and distinctions, Augustus first, then Claudius, and finally Nero and Domitian, separated the senators and equites from the common people.[2]

VII. In the centre of the area was a low wall, running lengthways down the course, which, from its resemblance to the position of the dorsal bone in the human frame, was termed *spina*.[3] At each extremity of this wall were placed upon a base three wooden cylinders of a conical shape, called *metæ*, or "the goals." On the wall, near one end, were two columns supporting a marble slab, on which were seven conical balls, called from their resemblance *ova*, or "eggs." Their use was to enable the spectator to count the number of rounds which had been run, the rounds being seven in number, and one of the ova being put up after each round was ended, according to Cassiodorus;[4] or taken down, according to Varro.[5] The egg was adopted for this purpose in honor of Castor and Pollux.[6] At the other end of the wall or *spina* were two similar columns, with a slab, sustaining seven dolphins (*delphinæ*). These, however, do not appear to have been intended to be removed, but were only placed there as corresponding ornaments to the *ova*. The figure of the dolphin was selected in honor of Neptune.[7] Besides these, the *spina* was decorated with many other objects, such as obelisks, statues, altars, and temples, which do not, however, appear to have had any fixed locality.

VIII. At the extremity of the circus, opposite the semicircular end, were placed the stalls for the horses and chariots, commonly called *carceres*, but more anciently the whole line of building at this end of the circus was termed *Oppidum*, because with its gates and towers it resembled the walls of a town.[8] The number of *carceres* is supposed to have been usually twelve. They were vaults, closed in front by gates of open woodwork (*cancelli*), which were opened simultaneously upon the signal being given. There were five entrances to the circus, one of which, in the centre of the *carceres*, was called *porta pompæ*, because it was the one through which the Circensian procession entered.

IX. At the entrance of the course were two small pedestals (*hermuli*) on each side of the *podium*, to which was attached a chalked

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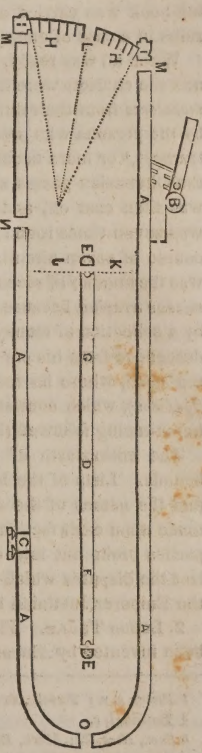
[1] *Ovid, Art. Amat.*, i., 160, 162.
[2] *Suet., Aug.*, 44; *Claud.*, 21; *Nero*, 11; *Domit.*, 8.
[3] *Cassiod., Var. Ep.*, iii., 51.
[4] *Id. ib.*
[5] *R. R.*, i., 2, 11.
[6] *Tertull., de Spectac.*, c. 8.
[7] *Id. ib.*
[8] *Varro, L. L.*, v., 153.

rope (*alba linea*),[1] for the purpose of making the start fair, precisely as is practiced at Rome for the horse-races during Carnival. Thus, when the doors of the *carceres* were thrown open, if any of the horses rushed out before the others, they were brought up by this rope, until the whole were fairly abreast, when it was loosened from one side, and all poured into the course at once. This line was also called *calx* and *creta*.[2] The *metæ* served only to regulate the turnings of the course; the *alba linea* answered to the starting and winning post of modern days.[3]

Of the *Circus Maximus* scarcely a vestige now remains; but this loss is fortunately supplied by the remains of a small circus on the Appian Way, the ground plan of which is in a state of considerable preservation. It is represented in the annexed cut, and may be taken as a model of all others.



EXPLANATION.

A. A. Seats of the spectators.
B. Seat of the emperor, and the best for viewing the beginning and end of the course.
C. Seat of the person at whose expense the games were exhibited.
D. *Spina*. E. E. *Metæ*. F. *Ova*.
G. *Delphinæ*. H. H. *Carceres*.
I. I. Towers at the end of the *carceres*, resembling a town (*oppidum*).
L. *Porta pompæ*.
M. M. N. O. The other entrances.
J. K. *Hermuli* and *Alba linea*.

X. The Circensian Games (*Ludi Circenses*) embraced six different kinds of games, namely, 1. CURSUS; 2. LUDUS TROJÆ; 3. PUGNA EQUESTRIS ET PEDESTRIS; 4. CERTAMEN GYMNICUM; 5. VENATIO; 6. NAUMACHIA.

1. CURSUS, the races. The chariot usually employed in the circus was drawn by two or four horses, and hence was either *biga* or *quadriga*. The usual number of chariots which started for each race was four. The drivers (*aurigæ*, *agitatores*) were

[1] *Cassiod.*, *l. c.* [2] *Cic.*, *de Am.*, 27; *Senec.*, *Epist.*, 108.
[3] *Plin.*, *H. N.*, viii., 65. Compare *Cic.*, *Senect.*, 23; *Horat.*, *Epist.*, i., 16, 79.

also divided into four companies, each distinguished by a different color, to represent the four seasons of the year, and called a *factio*:[1] thus *factio prasĭna*, the green, represented the spring; *factio russata*, red, the summer; *factio venĕta*, azure, the autumn; and *factio alba* or *albata*, white, the winter.[2] Originally there were but two factions, *albata* and *russata*, and consequently only two chariots started at each race.[3] The driver stood in his car within the reins, which went round his back. This enabled him to throw all his weight against the horses, by leaning backward, but it greatly enhanced his danger in case of an upset. To avoid this peril, a sort of knife or bill-hook was carried at the waist, for the purpose of cutting the reins in a case of emergency.

When all was ready, the doors of the *carceres* were thrown open, and the chariots were formed abreast of the *alba linea* by men called *moratores* from their duty. The signal for the start was then given by the persons who presided at the games, sometimes by sound of trumpet,[4] or more usually by letting fall a napkin (*mappa*),[5] whence the Circensian games are called *spectacula mappæ*.[6] The *alba linea* was then cast off, and the race commenced, the extent of which was seven times round the *spina*,[7] keeping it always on the left.[8] A course of seven circuits was termed *unus missus*, and twenty-five was the number of races run in each day, the last of which was called *missus ærarius*, because in early times the expense of it was defrayed by a collection of money (*æs*) made among the people.[9] The victor descended from his car at the conclusion of the race, and ascended the *spina*, where he received his reward (*bravium*, from the Greek βραβεῖον), which consisted in a considerable sum of money.[10] The horse-racing followed the same rules as the chariots.

The enthusiasm of the Romans for these races exceeded all bounds. Lists of the horses (*libella*), with their names and colors, and the names of the drivers, were handed about, and heavy bets made upon each faction; and sometimes the contests between two parties broke out into open violence and bloody quarrels, until at last the disputes which had originated in the circus had nearly lost the Emperor Justinian his crown.

2. Ludus Trojæ. This was a sort of sham-fight, said to have been invented by Æneas. It was performed by young men of rank

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1 *Festus, s. v.; Tertull., de Spect.*, 9.
2 *Ruperti, ad Juv.*, vii., 112.
3 *Tertull., l. c.*
4 *Ovid, Met.*, x., 652; *Sidon., Carm.*, xxiii., 341.
5 *Suet., Nero*, 22; *Mart., Ep.*, xii., 29, 9.
6 *Juv., Sat.*, xi., 191.
7 *Varro, ap. Gell.*, iii., 10.
8 *Ovid, Amor.*, iii., 2, 72; *Sil. Ital.*, xvi., 362.
9 *Serv., ad Virg., Georg.*, iii., 18.
10 *Juv., Sat.*, vii., 113, 114, 243; *Suet., Claud.*, 21.

on horseback, and often exhibited by the emperors.[1] It is described by Virgil.[2]

3. Pugna Equestris et Pedestris, a representation of a battle; upon which occasion a camp was formed in the circus.[3]

4. Certamen Gymnicum. This comprehended five different kinds of contests, and was hence called also *Quinquertium.* These five were running (*cursus*), leaping (*saltus*), boxing (*pugilatus*), and throwing the quoit (*disci jactus*). The discus was a circular plate of stone[4] or metal,[5] made for throwing to a distance, as an exercise of strength and dexterity. The individuals who contended in the public games of the Greeks and Romans for prizes (ἆθλα) were hence called *Athletæ* (ἀθληταί). The name was, in the later period of Grecian history and among the Romans, properly confined to those persons who entirely devoted themselves to a course of training which might fit them to excel in such contests, and who, in fact, made athletic exercises their profession. Athletæ were first introduced at Rome B.C. 185, in the games exhibited by M. Fulvius, on the conclusion of the Ætolian war.[6] Under the Roman emperors, and especially under Nero, who was passionately fond of the Grecian games, the number of athletæ increased greatly in Italy, Greece, and Asia Minor.

5. Venatio. This was an exhibition of wild beasts, which fought with one another and with men. The persons who fought with the beasts were either condemned criminals or captives, or else individuals who did so for the sake of pay, and were trained for the purpose. The Romans were as passionately fond of this entertainment as of the exhibition of gladiators, and during the latter days of the republic, and under the empire, an immense variety of animals was collected from all parts of the Roman world for the gratification of the people, and many thousands were frequently slain at one time. The *venationes* seem to have been at first confined to the *Ludi Circenses*, but during the later times of the republic, and under the empire, they were frequently exhibited on the celebration of triumphs, and on many other occasions, with the view of pleasing the people. Julius Cæsar first built a wooden amphitheatre for the exhibition of wild beasts, and others were subsequently erected.

6. Naumachia. This was the name given to the representation of a sea-fight among the Romans, and also the place where such engagements took place. These fights were sometimes exhibited in the circus or amphitheatre, sufficient water being introduced to

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[1] *Suet., Aug.*, 43; *Nero*, 7; *Tac., Ann.*, xi., 11.
[2] *Virg., Æn.*, v., 553, *seqq.*
[3] *Suet., Jul.*, 39; *Dom.*, 4.
[4] *Pind., Isthm.*, i., 34.
[5] *Mart.*, xiv., 164.
[6] *Liv.*, xxxix., 22.

float ships, but more generally in buildings especially devoted to this purpose. The combatants in these sea-fights, called *Naumachiarii*,[1] were usually captives,[2] or criminals condemned to death,[3] who fought, as in gladiatorial combats, until one party was killed, unless preserved by the clemency of the emperor. In the sea-fight exhibited by Titus there were three thousand men engaged,[4] and in that exhibited by Domitian the ships were almost equal in number to two real fleets.[5]

Feb. 6. 1852.

SHOWS OF GLADIATORS.

XI. The *Gladiatorial* Shows or Games (*Ludi Gladiatorii*) were usually termed *Munera*, in reference either to the people, for whose *gratification* they were exhibited, or him in whose honor they were celebrated. They are said to have been first exhibited by the Etrurians, and to have had their origin from the custom of killing slaves and captives at the funeral pyres of the deceased. The person who gave these exhibitions (*edebat*) was called by the Romans *editor*, *munerator*, or *dominus*, and he was honored during the day of celebration, if a private person, with the official insignia of a magistrate.[6]

XII. Gladiators were first exhibited at Rome in B.C. 264, in the Forum Boarium, by Marcus and Decimus Brutus, at the funeral of their father.[7] They were at first confined to public funerals, but afterward gladiators fought at the funerals of most persons of consequence, and even at those of women.[8] Combats of gladiators were also exhibited at entertainments, and especially at public festivals by the ædiles and other magistrates, who sometimes exhibited immense numbers, with the view of pleasing the people.[9] Under the empire the passion of the Romans for this amusement rose to its greatest height, and the number of gladiators who fought on some occasions appears almost incredible. After Trajan's triumph over the Dacians, there were more than ten thousand exhibited.[10]

XIII. Gladiators consisted either of captives,[11] slaves,[12] and condemned malefactors, or of free-born citizens, who fought voluntarily. Freemen, who became gladiators for hire, were called *auctorati*,[13] and their hire *auctoramentum* or *gladiatorium*.[14] Even under the republic free-born citizens fought as gladiators, but they appear to

[1] *Suet., Claud.*, 21. [2] *Dion Cass.*, xlviii., 19. [3] *Id.*, lx., 33.
[4] *Id.*, lxvi., 25. [5] *Suet., Dom.*, 4.
[6] *Capitol., M. Anton. Philosoph.*, 23; *Flor.*, iii., 20; *Cic., ad Att.*, ii., 19, 3.
[7] *Val. Max.*, ii., 4, 7; *Liv., Epit.*, 16. [8] *Suet., Jul.*, 26; *Spart., Hadr.*, 9.
[9] *Cic., pro Mur.*, 18; *de Off.*, ii., 16. [10] *Dion Cass.*, lxviii., 15.
[11] *Vopisc., Prob.*, 19. [12] *Suet., Vitell.*, 12.
[13] *Hor., Sat.*, ii., 7, 59. [14] *Suet., Tib.*, 7; *Liv.*, xliv., 31.

have belonged only to the lower orders. Under the empire, however, both knights and senators fought in the arena,[1] and even women.[2]

XIV. Gladiators were kept in schools (*ludi*), where they were trained by persons called *lanistæ*.[3] The whole body of gladiators under one lanista was frequently called *familia*. They sometimes were the property of the *lanistæ*, who let them out to persons who wished to exhibit a show of gladiators; but at other times they belonged to citizens, who kept them for the purpose of exhibition, and engaged *lanistæ* to instruct them. Thus we read of the *ludus Æmilius* at Rome,[4] and of Cæsar's *ludus* at Capua.[5] The gladiators fought in these *ludi* with wooden swords, called *rudes*.[6] Great attention was paid to their diet, in order to increase the strength of their bodies.

XV. Gladiators were sometimes exhibited at the funeral pyre, and sometimes in the Forum, but more frequently in the amphitheatre (page 212). The person who was to exhibit a show of gladiators published, some days before the exhibition, bills (*libelli*) containing the number, and frequently the names of those who were to fight.[7] When the day came, they were led along the arena in procession, and matched by pairs;[8] and their swords were examined by the *editor* to see if they were sufficiently sharp.[9] At first there was a kind of sham-battle called *prælusio*, in which they fought with wooden swords, or the like,[10] and afterward, at the sound of a trumpet, the real combat began. When a gladiator was wounded, the people called out *habet* or *hoc habet;* and the one who was vanquished lowered his arms in token of submission. His fate, however, depended upon the people, who pressed down their thumbs if they wished him to be saved, but turned them up if they wished him to be killed,[11] and ordered him to receive the sword (*ferrum recipere*), which gladiators usually did with the greatest firmness.[12] If the life of a vanquished gladiator was spared, he obtained his discharge for that day, which was called *missio*;[13] and hence, in an exhibition of gladiators, *sine missione*,[14] the lives of the conquered were never spared. This kind of exhibition, however, was forbidden by Augustus.[15]

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1 *Dion Cass.*, li., 22; *Suet., Jul.*, 39; *Aug.*, 43.
2 *Juv.*, vi., 250; *Tac., Ann.*, xv., 32; *Suet., Dom.*, 4.
3 *Suet., Jul.*, 26; *Cic., pro Rosc. Amer.*, 40.
4 *Hor., Ep. ad Pis.*, 32.
5 *Cæs., Bell. Civ.*, i., 14.
6 *Suet., Cal.*, 32, 54.
7 *Cic., Ep. ad Fam.*, ii., 8; *Suet., Jul.*, 26.
8 *Hor., Sat.*, i., 7, 20.
9 *Dion Cass.*, lxviii., 3; *Suet., Tit.*, 9.
10 *Cic., de Orat.*, ii., 78, 80; *Ovid, Ars Amat.*, iii., 515.
11 *Hor., Ep.*, i., 18, 66; *Juv.*, iii., 36.
12 *Cic., Tusc.*, ii., 17; *pro Sext.*, 37.
13 *Mart., Ep.*, xii., 29, 7.
14 *Liv.*, xli., 20.
15 *Suet., Aug.*, 45.

XVI. Palms were usually given to the victorious gladiators.[1] Old gladiators, and sometimes those who had only fought for a short time, were discharged from the service by the *editor*, at the request of the people, who presented each of them with a *rudis* or wooden sword, whence those who were discharged were called *Rudiarii*.[2]

Gladiators were divided into different classes, according to their arms and different modes of fighting, or other circumstances. The names of the most important of these classes are here given in alphabetical order:

Andabătæ. These wore helmets without any aperture for the eyes, so that they were obliged to fight blindfolded, and thus excited the mirth of the spectators.[3]

Catervarii. This was the name given to gladiators when they did not fight in pairs, but when several fought together.[4]

Essedarii. These fought from chariots like the Gauls and Britons. The *essedum* of the Gauls, Britons, and also the Germans, was a very strongly-built war car, open before instead of behind, and had a wide pole, so that the owner was able, whenever he pleased, to run along the pole, and even to raise himself upon the yoke, and then to retreat with the greatest speed into the body of the car, which was driven with extraordinary swiftness and skill.

Hoplomăchi. Those who fought in a complete suit of armor.[5]

Meridiani. Those who fought in the middle of the day, after combats with wild beasts had taken place in the morning. They were very slightly armed.[6]

Mirmillones. These are said to have been so called from their having the image of a fish (*mormyr*, μορμύρος) on their helmets. Their arms were like those of the Gauls, whence we find that they were also called *Galli*. They were usually matched with the Retiarii or Thracians.[7]

Provocatores. These fought with the *Samnites*,[8] but we do not know any thing respecting them except the name.

Retiarii. These carried only a three-pointed lance called *tridens* or *fuscina*, and a net (*rete*), which they endeavored to throw over their adversaries, and then attacked them with the *fuscina* while they were entangled. The *retiarius* was dressed in a short tunic, and wore nothing on his head. If he missed his aim in throwing the net, he betook himself to flight, and endeavored to prepare his

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[1] *Suet.*, *Cal.*, 32.
[2] *Cic.*, *Philip.*, ii., 29; *Hor.*, *Ep.*, i., 1, 2.
[3] *Cic.*, *Ep. ad Fam.*, vii., 10.
[4] *Suet.*, *Aug.*, 45; *Cal.*, 30.
[5] *Suet.*, *Cal.*, 35; *Martial*, *Ep.*, viii., 74.
[6] *Senec.*, *Epist.*, 7; *Suet.*, *Claud.*, 34.
[7] *Festus*, *s. v. Retiario*; *Cic.*, *Phil.*, iii., 12; vii., 6; *Juv.*, viii., 200.
[8] *Cic.*, *pro Sext.*, 64.

net for a second cast, while his adversary followed him round the arena in order to kill him before he could make a second attempt. His adversary was usually a *secutor* or a *mirmillo*.[1] In the following cut a *retiarius* and a *mirmillo* are engaged: the former has thrown his net over the latter, and is proceeding to attack him with the *fuscina*. The *lanista* stands behind the *retiarius*.

Samnites. These were so called because they were armed in the same way as that people, and were particularly distinguished by the oblong *scutum*.[2]

Secutores. These are supposed by some writers to have been so called because the *secutor*, in his combat with the *retiarius*, pursued the latter when he failed in securing him by his net. Other writers think that they were the same as the *supposititii*,[3] who were gladiators substituted for those who were wearied or killed.[4]

Thraces or *Threces*. They were armed, like the Thracians, with a round shield or buckler, and a short sword or dagger (*sica*).[5] They were usually matched, as already stated, with the *mirmillones*. The following cut represents a combat between two Thracians. A *lanista* stands behind each.

[1] *Juv.*, ii., 143; viii., 203; *Suet., Cal.*, 30; *Claud.*, 34.
[2] *Liv.*, ix., 40; *Cic., pro Sext.*, 64.
[3] *Martial*, v., 24.
[4] *Suet., Cal.*, 30; *Juv.*, viii., 210.
[5] *Suet., Cal.*, 32.

AMPHITHEATRES.

XVII. An Amphitheatre (*Amphitheatrum*) was a place for the exhibition of public shows of combatants and wild beasts, entirely surrounded by seats for the spectators; whereas, in a theatre, the seats were arranged in a semicircle facing the stage. The form of the amphitheatre was not a circle, but invariably an ellipse.

XVIII. The first regular amphitheatre was erected by Julius Cæsar[1] in the Campus Martius, and was made of wood. The first stone amphitheatre was built by Statilius Taurus, in the Campus Martius, at the desire of Augustus.[2] This was the only stone amphitheatre at Rome till the time of Vespasian. One was commenced by Caligula, but was not continued by Claudius.[3] The one erected by Nero in the Campus Martius was only a temporary building, made of wood.[4] The amphitheatre of Statilius Taurus was burned in the fire of Rome in the time of Nero;[5] and hence, as a new one was needed, Vespasian commenced the celebrated *Amphitheatrum Flavianum* in the middle of the city, in the valley between the Cælian, the Esquiline, and the Velia, on the spot originally occupied by the lake or pond attached to Nero's palace. Vespasian did not live to finish it. It was dedicated by Titus in A.D. 80,[6] but was not completely finished till the reign of Domitian. This immense edifice, which is even yet comparatively entire, covered about four acres of ground, and was capable of containing about eighty-seven thousand spectators. Sixty-four outlets (*vomitoria*) poured forth this immense multitude. It is called at the present day the *Colosseum*.

XIX. The interior of an amphitheatre was divided into three parts, the *arena*, *podium*, and *gradus*. The clear open space in the centre of the amphitheatre was called the *arena*, because it was covered with sand or sawdust, to prevent the gladiators from slipping, and to absorb the blood. The size of the arena was not always the same in proportion to the size of the amphitheatre, but its average proportion was one third of the shorter diameter of the building. The arena was surrounded by a wall distinguished by the name of *podium*, although such appellation rather belongs to merely the upper part of it, forming the parapet or balcony, before the first or lowermost seats, nearest to the arena. The arena, therefore, was no more than an oval open court, surrounded by a wall about eighteen feet high, measuring from the ground to the top of the parapet; a

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[1] *Dion Cass.*, xliii., 22.
[2] *Id.*, li., 23; *Suet.*, *Aug.*, 29.
[3] *Dion Cass.*, lix., 10; *Suet.*, *Cal.*, 18, 21.
[4] *Suet.*, *Ner.*, 12; *Tac.*, *Ann.*, xiii., 31.
[5] *Dion Cass.*, lxii., 18.
[6] *Suet.*, *Tit.*, 7; *Dion Cass.*, lxvi., 25.

height considered necessary, in order to render the spectators perfectly secure from the attacks of wild beasts.[1]

XX. There were four principal entrances leading into the arena, two at the ends of each axis or diameter of it, to which as many passages led directly from the exterior of the building, besides secondary ones, intervening between them, and communicating with the corridors beneath the seats on the *podium*. The wall or inclosure of the arena is supposed to have been faced with marble, more or less sumptuous; besides which, there appears to have been, in some instances at least, a sort of network affixed to the top of the *podium*, consisting of railing, or, rather, open trellis-work of metal. As a farther defence, ditches or canals, called *eurīpi*, sometimes surrounded the arena.[2]

XXI. The term *podium* was also applied to the terrace or gallery itself, immediately above the arena, which was no wider than to be capable of containing two, or, at the most, three ranges of movable seats or chairs. This, as being by far the best situation for distinctly viewing the sports in the arena, and also more commodiously accessible than the seats higher up, was the place set apart for senators and other persons of distinction, such as the ambassadors of foreign parts;[3] and it was here, also, that the emperor himself used to sit, in an elevated place, called *suggestus* or *cubiculum*, and likewise the person who exhibited the games, on a place elevated like a pulpit or tribunal (*editoris tribunal*).[4]

Above the *podium* were the *gradus*, or seats of the other spectators, divided into *mæniana*, or stories. The first *mænianum*, consisting of fourteen rows of stone or marble seats, was appropriated to the equestrian order. The seats for the senators and equites were covered with cushions, which were first used in the time of Caligula.[5] Then, after an interval or space, termed a *præcinctio*, and forming a continual landing-place from the several staircases in it, succeeded the second *mænianum*, where were the seats called *popularia*,[6] for the third class of spectators, or the *populus*. Behind this was the second *præcinctio*, bounded by a rather high wall; above which was the third *mænianum*, where there were only wooden benches for the *pullati* or common people.[7] The next and last division, namely, that in the highest part of the building, consisted of a colonnade or gallery, where females were allowed to witness the spectacles of the amphitheatre, some parts of which were also occupied by the *pullati*. Each *mænianum* was not only divided from the other by the præcinctio, but was intersected at intervals by spaces for passages left between the seats, called *scalæ* or *scalaria*; and the portion between two such pas-

[1] *Plin.*, *H. N.*, xxxvii., 3, 2; *Lips.*, *de Amph.*, 12.
[2] *Plin.*, *l. c.*; *Lips.*, *l. c.*
[3] *Suet.*, *Aug.*, 44; *Juv.*, *Sat.*, ii., 143.
[4] *Suet.*, *Jul.*, 76; *Plin.*, *Paneg.*, 51; *Suet.*, *Nero*, 12.
[5] *Juv.*, *Sat.*, iii., 154; *Dion Cass.*, lix., 7.
[6] *Suet.*, *Dom.*, 4.
[7] *Suet.*, *Aug.*, 44.

sages was called *cuneus*, because the space gradually widened like a wedge from the *podium* to the top of the building. The entrances to the seats from the outer porticoes were called *vomitoria*. At the very summit was the narrow platform for the men who had to attend to the *velarium*,[1] or awning, by which the building was covered as a defence against the sun and rain. The open gallery at the top was the only part of the amphitheatre in which women were permitted to witness the games, except vestal virgins, and perhaps a few ladies of distinction and influence, who were suffered to share the space appropriated to the vestals.

LUDI SÆCULARES.

XXII. If we were to judge from their name, these games would have been celebrated once in every century or *sæculum;* but we do not find that they were celebrated with this regularity at any period of Roman history, and the name *ludi sæculares* itself was never used during the time of the republic. They were called during this period *ludi Tarentini*, *Terentini*, or *Taurii*, while during the empire they were called *ludi sæculares*.[2] There were various accounts respecting the origin of these games, yet all agree in stating that they were celebrated for the purpose of averting from the state some great calamity, and that they were held in honor of Dis and Proserpina.

XXIII. From the time of the consul Valerius Poplicola down to that of Augustus, the Tarentine games were held only three times, and again only on certain emergencies, and not at any fixed period, so that we must conclude that their celebration was in no way connected with certain cycles of time or *sæcula*. Not long after Augustus had assumed the supreme power in the republic, the Quindecimviri announced that, according to their books, *ludi sæculares* ought to be held, and, at the same time, tried to prove, from history, that in former times they had not only been celebrated repeatedly, but almost regularly once in every century.

XXIV. The festival, however, which was now held, was in reality very different from the ancient Tarentine games; for Dis and Proserpina, to whom formerly the festival belonged exclusively, were now the last in the list of the divinities in honor of whom the *ludi sæculares* were celebrated. The festival took place in summer, and lasted for three days and three nights. On the first day, the games commenced in that part of the Campus Martius which had belonged to the last Tarquin, from whom it derived its name Tarentum; and sacrifices were offered to Jupiter, Juno, Neptune, Minerva, Venus, Apollo, Mercury, Ceres, Vulcan, Mars, Diana, Vesta, Hercules, Latona, the Parcæ, and to Dis and Proserpina.

[1] *Juv.*, iv., 121; *Suet.*, *Calig.*, 26. [2] *Festus, s. v. Sæcul. lud.; Val. Max.*, ii., 4, 5

The solemnities began at the second hour of the night, and the emperor opened them by the river side with the sacrifice of three lambs to the Parcæ upon three altars erected for the purpose, and which were sprinkled with the blood of the victims. The lambs themselves were burned. A temporary scene, like that of a theatre, was erected in the Tarentum, and illuminated with lights and fires. In this scene festive hymns were sung by a chorus, and various other ceremonies, together with theatrical performances, took place.

During the morning of the first day the people went to the Capitol to offer solemn sacrifices to Jupiter; thence they returned to the Tarentum to sing choruses in honor of Apollo and Diana. On the second day, the noblest matrons, at an hour fixed by an oracle, assembled in the Capitol, offered supplications, sang hymns to the gods, and also visited the altar of Juno. The emperor and the quindecimviri offered sacrifices, which had been vowed before to all the great divinities. On the third day, Greek and Latin choruses were sung in the sanctuary of Apollo, by three times nine boys and maidens of great beauty, whose parents were still alive. The object of these hymns was to implore the protection of the gods for all cities, towns, and officers of the empire. One of these hymns was the *Carmen Sæculare* by Horace, which was especially composed for the occasion, and adapted to the circumstances of the time. During the whole of the three days and nights, games of every description were carried on in all the circuses and theatres, and sacrifices were offered in all the temples.

The first celebration of the *ludi sæculares* in the reign of Augustus took place in the summer of the year B.C. 17;[1] the second took place in the reign of Claudius, A.D. 47;[2] the third in the reign of Domitian, A.D. 88;[3] and the last in the reign of Philippus, A.D. 248, and, as was generally believed, just one thousand years after the building of the city.[4]

Feb. vi(m)dccclii.

CHAPTER XXI.

ROMAN GAMES AND AMUSEMENTS.

THE DRAMA (LUDI SCENICI).—THEATRES.—ACTORS.

I. DRAMATIC entertainments or stage plays (*ludi scenici*) were first introduced at Rome on account of a pestilence, to appease the divine wrath, B.C. 364. On this occasion, according to Livy,[5] Tuscan players (*ludiones*) exhibited a sort of pantomimic dance to the music of a pipe, without any song accompanying their dance, and without regular dramatic gesticulation. The amusement became popular,

[1] *Tac., Ann.*, xi., 11.
[2] *Suet., Claud.*, 21.
[3] *Suet., Domit.*, 4; *Ernesti, ad loc.*
[4] *Jul. Capitol., Gord. Tert.*, 33.
[5] *Liv.*, vii., 2.

and was imitated by the young Romans, who improved upon the original entertainment by uniting with it extemporaneous mutual raillery, composed in a rude irregular measure, a species of diversion which had been long known among the Romans at their agrarian festivals under the name of *Fescennina*. They regulated their dances so as to express the sense of the words. Those who had an aptitude for this sort of representation set themselves to improve its form, supplanting the old Fescennine verses by more regular compositions, which, however, had not as yet any thing like dramatic unity or a regular plot, but, from the miscellaneous nature of the subjects introduced, were called *Saturæ*.

II. Those who took part in these exhibitions were called *histriones*, the term *hister* being an Etrurian one, answering to the Latin *ludio*.[1] It was one hundred and twenty-three years after the first introduction of these scenic performances before the improvement came in of having a regular plot. This advance was made by Livius Andronīcus, a native of Magna Græcia, in B.C. 240. His pieces, which were both tragedies and comedies, were merely adaptations of Greek dramas. The first imitator of the dramatic works of Andronicus was Nævius, and the most distinguished successors of Nævius were Plautus and Terence.

III. Plays (*fabulæ*) among the Romans were divided into different classes. Thus, when the story and characters were Roman, they were called *fabulæ togatæ*, because the costume was the Roman *toga*. When the story and characters were Greek, they were called *fabulæ palliatæ*, from the Greek *pallium*. The *fabulæ togatæ* again were subdivided into two classes, namely, the *trabeatæ* and *tabernariæ*, according as the subject was taken from high or low life. There was another class of plays termed *prætextatæ*; these, however, were not so much tragedies as historical plays. It is a mistake to represent them as comedies.

IV. Another species of dramatic exhibition among the Romans was the *Mime* (*mimus*), not, however, to be confounded with the Greek μῖμος. The Roman mimes were imitations of foolish and mostly indecent occurrences,[3] and scarcely differed from comedy, except in consisting more of gestures and mimicry than of spoken dialogue. The dialogue, indeed, was not excluded, but was only interspersed in various parts of the representation, while the mimic acting continued along with it and uninterruptedly from the beginning to the end of a piece. Mimes became, at a subsequent period,

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[1] *Liv.*, vii., 2; *Val. Max.*, ii., 4, 4; *Plut., Quæst. Rom.*, p. 289, c.

[2] *Hermann, de fabula togata, Opusc.*, vol. v., p. 254, *seqq.*

[3] *Ovid, Trist.*, ii., 5, 15; *Val. Max.*, ii., 6, 7; x., 11.

a very popular species of performance, and in the gradual march of improvement lost much of their original grossness. The most distinguished writers of mimes were Laberius and Publius Syrus.

V. *Pantomimes* were representations by dumb show, in which the actors, who were called by the same name with their performances, namely, *pantomimi*, expressed every thing by dancing and gesture, without speaking. This representation, therefore, nearly resembled that of the modern ballet dancers. The pantomimic art, however, was not carried to any degree of perfection until the time of Augustus.

THEATRES.

VI. In the earliest times, theatres (*theatra*) among the Romans were erected only of wood, and were taken down after the exhibition was over. The plays of Plautus and Terence were performed in such temporary structures. A magnificent wooden theatre was erected by Æmilius Scaurus, in his ædileship, B.C. 58, capable of containing eighty thousand persons.[1] The first stone theatre, however, was erected by Pompey, near the Campus Martius, B.C. 55.[2] Other stone theatres were subsequently erected, as the theatre of Marcellus, which was built by Augustus, and called after his nephew Marcellus; and that of Balbus; whence Suetonius uses the expression *per trina theatra*.[3] Pompey's theatre could contain forty thousand spectators.

VII. In their general form the theatres of the Greeks and Romans were said to have resembled a horse-shoe, the seats of the spectators being at the curved end. These seats consisted of rows, rising one above another, forming parts of concentric circles, and were divided at intervals into compartments by one or more broad passages, running between them and parallel with the rows. These passages were called by the Romans *præcinctiones*. In the Roman theatres, the rows of seats formed semicircles; but in the Greek theatres, nearly three fourths of a circle. Across the rows of benches ran stairs, by which persons might ascend from the lowest to the highest. But these stairs ran in straight lines only from one *præcinctio* to another; and the stairs in the next series of rows were just between the two stairs of the lower series of benches. By this course of the stairs the seats were divided into a number of compartments called *cunei*, and resembling cones from which the tops are cut off.

VIII. The whole of the place for the spectators was in the Ro-

[1] *Plin., H. N.*, xxxvi., 24, 7; xxxiv., 17. [2] *Id. ib.*, xxxvi., 24, 7.
[3] *Suet., Aug.*, 44.

man theatres called *cavea*. Above the highest row of benches there rose a covered portico, which, of course, far exceeded in height the opposite buildings by which the stage was surrounded, and appears to have also contributed to increase the acoustic effect. The entrances to the seats of the spectators were partly under ground, and led to the lowest row of benches, while the upper rows must have been accessible from above.

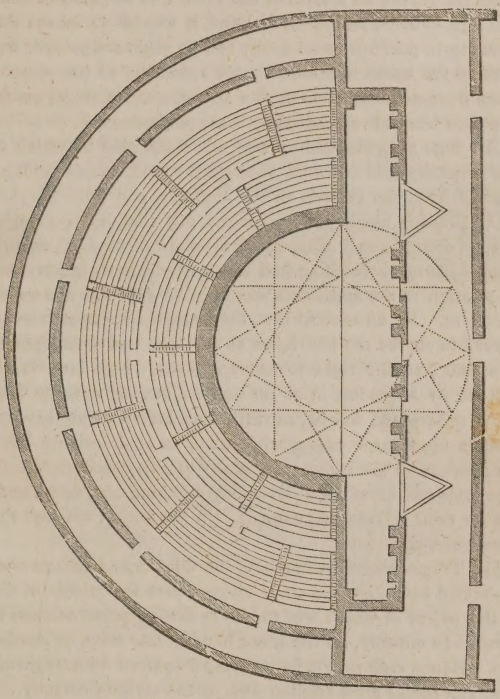
IX. In the Greek theatres, the *orchestra* (ὀρχήστρα) was a circular level space extending in front of the spectators, and somewhat below the lowest row of benches. But it was not a complete circle, one segment of it being appropriated to the stage. Here the chorus performed its evolutions and dances, for which purpose it was covered with boards. In the Roman theatre, on the other hand, the orchestra did not form more than a semicircle, the diameter of which formed the front line of the stage. The Roman orchestra, moreover, was not destined for a chorus (Latin comedies having no chorus, and in Latin tragedies the chorus appearing on the stage), but here were the seats for the senators and other distinguished persons, such as foreign ambassadors, and these were called *primus subselliorum ordo*. The whole theatre lay under the open sky; a roof is nowhere mentioned.

X. In B.C. 68, the tribune L. Roscius Otho carried a law which regulated the places in the theatre to be occupied by the different classes of Roman citizens:[1] it enacted that fourteen *ordines* or rows of benches were to be assigned as seats to the *equites*. Hence these *quatuordecim ordines* are sometimes mentioned without any further addition as the ordinary seats of the equites. They were close behind the seats of the senators and magistrates, and thus consisted of the rows of benches immediately behind the orchestra.

XI. The *Stage*. Steps led from each side of the orchestra to the stage. The rear of the stage was closed by a wall called the *scena*, from which, on each side, a wing projected which was called a *parascenium*. The whole depth of the stage was not very great, though larger in the Roman than in the Greek theatres. The whole space from the *scena* to the *orchestra* was termed the *proscenium*, and was what we would call the real stage. The part of it which was nearest the orchestra, and where the actors stood when they spoke, was the *pulpitum*, and was, of course, raised above the level of the orchestra. The *scena* represented a suitable back-ground, or the locality in which the action was going on. Before the play began it was covered with a curtain called in Latin *aulæa* or *siparium*. When the play began this curtain was let down, and was rolled up on a

[1] *Liv., Epit.*, 99; *Ascon., ad Cornel.*, p. 78, *ed. Orelli.*

roller underneath the stage. The *proscenium* and *pulpitum* were never concealed from the spectators. The following is a plan of a Roman theatre.



ACTORS.

XII. The word *histriones*, by which the Roman actors were called, has already been explained (page 216). It is clear, from the language of Livy, that the *histriones* were not citizens; that they were not contained in the tribes, nor allowed to enlist as soldiers in the Roman legions. If any citizen, moreover, entered into the profession of *histrio*, he on this account was excluded from his tribe.[1] The *histriones* were, therefore, always either freedmen, strangers, or slaves, and many passages of Roman writers show that they were

[1] Compare *Cic., pro Arch.*, 5; *Corn. Nep., Præf.*, 5; *Suet., Tib.*, 35.

generally held in great contempt. Toward the close of the republic, it was only such men as Cicero, who, by their Greek education, raised themselves above the prejudices of their countrymen, and valued the person no less than the talents of an Æsopus and Roscius.[1] In Greece, on the other hand, it was by no means thought degrading to perform as an actor, and no stigma whatever was attached to the name of a man for his appearing on the stage. Actresses were not allowed to appear on the ancient stage, but female characters were always borne by male performers.

XIII. But, notwithstanding this low estimation in which actors were generally held at Rome, distinguished individuals among them attracted immense crowds to the theatres, and were exorbitantly paid.[2] Roscius alone received every day that he performed one thousand denarii; and Æsopus left his son a fortune of two hundred million sesterces, which he had acquired solely by his profession.[3] The position of the histriones was in some respects altered during the empire. By an ancient law, the Roman magistrates were empowered to coerce the histriones at any time and at any place, and the prætor had the right to scourge them. This law was partly abolished by Augustus, in as far as he did away entirely with the right of scourging; but he, nevertheless, inflicted very severe punishments upon those actors who, either in their private life or in their conduct on the stage, were guilty of any impropriety.[4] Some of the later emperors were exceedingly fond of histriones, and kept them for their private amusement. In the Digest we read that all actors were infamous.

XIV. Tragic actors among both the Greeks and Romans wore a high-heeled buskin, or *cothurnus*, rising above the middle of the leg, and the object of which was to add to the apparent stature of the wearer. In comedy, on the other hand, a low shoe, or *soccus*, was worn. Hence *cothurnus* is figuratively employed for a tragic or lofty style,[5] and *soccus* for a familiar one, or the style of comedy.

XV. The other parts of the actor's costume deserving of mention were the mask, and the long, flowing robe.

1. The mask, called in Latin *persona*, and in Greek πρόσωπον and προσωπεῖον, was worn by Greek and Roman actors in nearly all dramatic representations. The practice arose from the custom of smearing the face with certain juices and colors, and of appearing in disguise at the Dionysia, or festivals of Bacchus, in which the drama originated. These masks generally covered the whole head

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[1] *Macrob.*, *Sat.*, ii., 10.
[2] *Cic.*, *in Verr.*, iv., 16.
[3] *Macrob.*, *l. c.*
[4] *Suet.*, *Aug.*, 45.
[5] *Ovid*, *Trist.*, ii., 1, 393; *Juv.*, vi., 633; xv., 29.

down to the shoulders, having the hair also attached; and, indeed, it was necessary to make the head correspond to the stature of an actor which was heightened by the cothurnus. The masks were also contrived in such a way as to answer the purpose of a speaking trumpet, and to make the actor's voice sonorous and loud, whence probably the origin of the Latin term *persona*. Hence, too, the appearance which the mouth of the ancient theatrical mask always presents, namely, of being open or half open.

Chœrilus of Samos is said to have been the first who introduced regular masks among the Greeks.[1] Some writers attribute the invention to Thespis or Æschylus,[2] though the latter had probably only the merit of perfecting and completing the whole theatrical apparatus and costume. According to Diomedes,[3] masks were not used at first among the Romans, but merely the galerus or wig, and Roscius Gallus, about 100 B.C., was the first who introduced them. It should, however, be remembered, that masks had been used long before that time in the Atellane pieces, so that the innovation of Roscius must have been confined to the regular drama, that is, to tragedy and comedy.

Some of the oldest manuscripts of Terence contain representations of Roman masks, and from these manuscripts they have been copied in several modern editions of that poet. The following cut contains representations of four of these masks prefixed to the Andria.

2. The long, flowing robe of the tragic actor was called *syrma* (σύρμα). It had a train to it trailing upon the ground.[4] The term is sometimes used metaphorically for tragedy itself.[5]

XVI. Respecting the ordinary pay which common actors received during the time of the republic, nothing is known. The pay itself was called *lucar*.[6] In the time of the empire it seems that five denarii,[7] or, according to others,[8] seven drachmæ, was the common pay for a histrio for one performance. Besides their regular pay, however, skillful histriones received from the people gold and silver crowns, which were given or thrown to them upon the stage. Sev-

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1 *Suid.*, *s. v.* Χοιρίλλος.
2 *Horat.*, *Ep. ad Pis.*, 278.
3 *Diomed.*, iii., p. 486, *ed. Putsch.*
4 *Pollux*, vii., 67.
5 *Juv.*, xv., 30; *Mart.*, iv., 49.
6 *Tac.*, *Ann.*, i., 77; *Plut.*, *Quæst. Rom.*, p. 285, c.
7 *Senec.*, *Epist.*, 80.
8 *Lucian*, *Icaromen.*, c. 29.

eral emperors found it necessary to restrict the practice of giving immoderate sums to actors.[1]

Feb. 9. 1852.

CHAPTER XXII.

MILITARY AFFAIRS OF THE ROMANS.

MILITARY AGE, AND DURATION OF MILITARY SERVICE.—CAUSES OF EXEMPTION.—ROMAN LEGION GENERALLY.—NUMBERS OF THE LEGION.—ORGANIZATION OF THE LEGION.—MANNER OF HOLDING A LEVY.—MILITARY OATH.—ITALIAN ALLIES.

I. All Roman citizens whose fortune was not rated under four thousand asses were eligible for military service from the age of seventeen up to forty-six, and could be required to serve for twenty years if in the infantry, and for ten years if in the cavalry. Those whose fortune was below the above-mentioned sum were allowed to serve only in the navy, and formed what was called the *legio classica*. In cases of great necessity, however, these also might be called upon to serve for the regular period in the infantry.[2]

II. The Romans during the existence of their republic were almost always engaged in wars; first with the different states of Italy for nearly five hundred years, and then for about two hundred more in subduing the various countries which composed their immense empire. War was never carried on, however, without solemnly proclaiming it. This was done by a class of priests called *Fetiales*, to whom we have already referred in a previous chapter.

III. Except when a legal cause of exemption (*vacatio*) existed, military service was compulsory. Persons who refused to enlist could be punished by fine or imprisonment; and in some cases they might be sold as slaves. The grounds of exemption were age, infirmity, and having served the appointed time. The magistrates and priests were also exempted in general from serving in the wars; and the same privilege was sometimes granted by the senate or the people to individuals who had rendered services to the state. In sudden emergencies, however, or when any particular danger was apprehended, as in the case of a war in Italy, or against the Cisalpine Gauls, both of which were called *tumultus*, no exemption whatever could be pleaded, but all were obliged to be enrolled.

According to the principles of the Roman constitution, none were enrolled in the legion except free-born citizens (*ingenui*) above the age of seventeen; but in times of peculiar difficulty, this and other conditions were not insisted upon. Thus, in consequence of the scarcity of men du-

[1] *Tac., l. c.; Suet., Tib.*, 34.

[2] *Gell.*, x., 28.

ring the second Punic war, it was at one time ordained that lads under seventeen might be admitted to the ranks, and that their time should be allowed to count just as if they had attained to the legal age.[1] And, on the other hand, when strenuous exertions were made for the campaign against Perseus, the senate decreed that no one under fifty should be excused from enlisting.[2] Moreover, not only were all free-born citizens, without distinction of fortune, called out on such occasions, but even freedmen were armed;[3] and, after the battle of Cannæ, eight thousand slaves, who had declared themselves willing to fight for the republic, were purchased by the state, and formed into two legions, who, under the name of *Volones*, displayed great bravery, and eventually gained their freedom.[4]

ROMAN LEGION.

IV. The name *Legio* is coeval with the foundation of Rome, and always denoted a body of troops, which, although subdivided into several smaller bodies, was regarded as forming an organized whole. The number of soldiers in a legion was fixed within certain limits, never much exceeding six thousand, and hence, when wars were carried on upon a large scale, a single army, under the command of one general, frequently contained two, three, or more legions, besides a large number of auxiliaries of various denominations. The name *legio* appears to be derived from *legere*, "to choose" (*quia milites in delectu legebantur*).

V. The legion for many centuries was composed exclusively of Roman citizens. By the ordinances of Servius Tullius, those alone who were enrolled in the five classes were eligible, and one of the greatest changes introduced by Marius was the admission of all orders of citizens, including the lowest, into the ranks.[5] Up to the year B.C. 107, no one was permitted to serve among the regular troops of the state except those who were regarded as possessing a strong personal interest in the stability of the commonwealth; but the principle having been at this period abandoned, the privilege was extended after the close of the Social war (B.C. 87) to nearly the whole of the free population of Italy, and by the famous edict of Caracalla (or perhaps of M. Aurelius) to the whole Roman world. Long before this, however, the legions were raised chiefly in the provinces.

VI. But, although the legions contained comparatively few native Italians, it does not appear that the admission of foreigners not subjects was ever practiced upon a large scale until the reign of the second Claudius (A.D. 268–270), who incorporated a large body of vanquished Goths, and of Probus (A.D. 276–282), who distributed

[1] *Liv.*, xxv., 5. [2] *Id.*, xlii., 33. [3] *Id.*, x., 21; xxii., 11. [4] *Id.*, xxii., 57.
[5] *Sall.*, *Jug.*, 86; *Plut.*, *Mar.*, 9; *Flor.*, iii., 1; *Gell.*, xvi., 10.

sixteen thousand Germans among the legionary and frontier battalions.[1] From this time forward, what had originally been the leading characteristic of the legion was rapidly obliterated, so that, under Diocletian, Constantine, and their successors, the best soldiers in the Roman armies were barbarians.

There is yet another circumstance connected with the social position of the soldier, to which it is very necessary to advert, if we desire to form a distinct idea of the changes gradually introduced into the Roman military system. The Roman armies for a long period consisted entirely of what we might term *militia*. Every citizen was, to a certain extent, trained to arms during a fixed period of his life; he was at all times liable to be called upon to serve; but the legion in which he was enrolled was disbanded as soon as the special service for which it had been levied was performed; and although these calls were frequent in the early ages of the kingdom and the commonwealth, when the enemy were almost at the gates, yet a few months, or, more frequently, a few weeks or even days, sufficed to decide the fortunes of a campaign. The Roman annalists assure us that a Roman army had never wintered in the field until more than three centuries after the foundation of the city, when the blockade of Veii required the constant presence of the besiegers.

As the scene of action became farther removed from Latium, when Southern Italy and Sicily were now the seat of war—when the existence of Rome was menaced by the Carthaginian invasion—when her armies were opposed to such leaders as Pyrrhus, Hamilcar, and Hannibal, it was, of course, impossible to leave the foe for a moment unwatched; and the exigencies of the state rendered it necessary that the same legions and the same soldiers should remain in activity for several years in succession. But down to the very termination of the republic, when the dominion of Rome was gradually extended over Greece and Asia, the ancient principle was recognized, that when a campaign was concluded, the soldier was entitled to return home, and to resume the occupation of a peaceful citizen. Hence, for upward of seven centuries, there was no such thing as the military profession, and no man considered himself as a soldier in contradistinction to other callings.

The admission of the *capite censi*, or lowest class, into the ranks, persons who probably found their condition as soldiers much superior to their position as civilians, and who could now cherish hopes of amassing wealth by plunder, or of rising to honor as officers, tended to create a numerous class disposed to devote them-

[1] *Vopisc., Prob.*, 14.

selves permanently to a military life as the only source whence they could secure comfort and distinction. The long-continued operations of Cæsar in Gaul, and the necessity imposed upon Pompey of keeping up a large force as a check upon his dreaded rival, contributed strongly to nourish this feeling, which was, at length, fully developed and confirmed by the civil broils, which lasted for twenty years, and by the practice, first introduced upon a large scale after the Mithradatic wars, of granting pensions for long service in the shape of donations of land. Hence, when Augustus, in compliance, as we are told by Dion Cassius,[1] with the advice of Mæcenas, determined to provide for the security of the distant provinces and for tranquil submission at home by the establishment of a powerful standing army, he found the public mind in a great degree prepared for such a measure; and the distinction between soldier and civilian, unknown, or, at least, not recognized before, became from this time forward as broadly marked as in the purest military despotisms of ancient or modern times.

NUMBER OF MEN IN THE LEGION.

VII. The permanent changes in the Roman legion may be referred to four epochs:

1. *Under the kings.* Varro[2] and Plutarch,[3] both of whom describe the first establishment of the legion, agree that under Romulus it contained three thousand foot soldiers and three hundred cavalry. Although the number of foot soldiers gradually increased at subsequent periods, to be presently mentioned, the number of cavalry always remained the same, except upon particular occasions, and was set down as the regular complement (*justus equitatus*) of the legion.

2. *From the expulsion of the kings until the second year of the second Punic war.* The regular number during this space of time may be fixed at four thousand, or four thousand two hundred infantry. According to Dionysius,[4] M. Valerius, the brother of Poplicola, raised two legions (B.C. 492), each consisting of four thousand; and Livy, in the first passage where he specifies the numbers in the legions (B.C. 378), reckons them at four thousand; and, a few years afterward, he tells us (B.C. 346) that legions were raised each containing four thousand two hundred foot soldiers and three hundred horse. Polybius[5] fixes the number at four thousand in the second year of the first Punic war, and in the first year of the second Punic war.

3. *From the second year of the second Punic war until the consulship*

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[1] *Dion Cass.*, lii., 27. [2] *Varro, L. L.*, v., 89. [3] *Rom.*, 13.
[4] *Dionys.*, vi., 42. [5] *Polyb.*, i., 16.

of Marius. During this interval the ordinary number may be fixed at from five thousand to five thousand two hundred. Polybius,[1] indeed, in his treatise on Roman warfare, lays it down that the legion consists of four thousand two hundred foot soldiers, and, in cases of peculiar danger, of five thousand. However, the whole of the space we are now considering was, in fact, a period of extraordinary exertion, and hence from the year B.C. 216 we shall scarcely find the number stated under five thousand; and after the commencement of the Ligurian war, it seems to have been raised to five thousand two hundred. The two legions which passed over into Africa under Scipio[2] (B.C. 204) contained each six thousand two hundred; those which served against Antiochus, five thousand four hundred; those employed in the last Macedonian war, six thousand;[3] but these were special cases.

4. *From the consulship of Marius* (B.C. 107) *until the extinction of the legion.* For some centuries after Marius, the numbers varied from five thousand to six thousand two hundred, generally approaching to the higher limit. Festus expressly declares that Marius raised the numbers from four thousand to six thousand two hundred, but his system in this respect was not immediately adopted. Cæsar never specifies in his Commentaries the number of men in his legions, but we infer that the thirteenth did not contain more than five thousand, while the two mentioned in the fifth book of the Gallic war were evidently incomplete. During the first century the standard force was certainly six thousand, although subject to constant variations according to circumstances and the caprice of the reigning prince. The legion of Hadrian, if we can trust Hyginus, was five thousand two hundred and eighty; of Alexander Severus, five thousand;[4] that described by Vegetius,[5] to whatever period it may belong, six thousand one hundred; and most of the grammarians agree upon six thousand.[6] The Jovians and Herculeans of Diocletian and Maximian formed each a corps of six thousand, but beyond this we have no clue to guide us.

ORGANIZATION OF THE LEGION.

VIII. The legion of Servius Tullius was closely connected with the comitia centuriata, which has already been described (page 33). It is only necessary to repeat here that it was a phalanx equipped in the Greek fashion, those in the front ranks being furnished with a complete suit of armor, their weapons being long spears, and their chief defence the round Argolic shield or *clypeus.*

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[1] *Polyb.*, vi., 20. [2] *Liv.*, xxix., 24. [3] *Id.*, xlii., 31. [4] *Lamprid., Sev.*, 50.
[5] *Veget.*, ii., 6. [6] *Serv., ad Virg., Æn.*, vii., 274; *Isidor., Orig.*, ix., 3, 46, &c.

IX. In the course of time, however, the ponderous mass of the phalanx was resolved into small battalions marshalled in open order, which were termed *manipuli*, and which varied in numbers at different periods, according to the varying constitution of the legion. The original meaning of the word *manipulus*, which is derived from *manus*, was a handful or wisp of hay, and this, according to Roman tradition, affixed to the end of a pole, formed the primitive military standard in the days of Romulus; hence it was applied to a detachment of soldiers serving under the same ensign.

X. The earliest account of the division of the legion into *manipuli* is given by Livy in his description of the battle fought near Vesuvius in B.C. 337. On this occasion the front line are called the *hastati*, from the *hasta*, or long spear, which each man carried, and consisted of fifteen manipuli, each manipulus containing sixty-two soldiers, a centurion, and a vexillarius. The *hastati* were the youngest of the soldiers. The second line are called the *principes*, and consisted in like manner of fifteen manipuli. These were men of mature age, and from their name it would appear that anciently they were placed in the first line. This combined force of thirty manipuli was comprehended under the general appellation of *antepilani*. The third line are called *triarii*, and were also drawn up in fifteen divisions, but each of these divisions was triple, containing three *manipuli*, three *vexilla*, and one hundred and eighty-six men. The *triarii* were so called from their forming the third line. They were the veteran soldiers; each of them carried two *pila*, or strong and heavy javelins, whence they were sometimes called *pilani*, just as the *hastati* and *principes*, who stood before them, were, as already remarked, called *antepilani*. In the third line, the veterans, or *triarii* proper, formed the front ranks; immediately behind them stood the *rorarii*, inferior in age and renown; while the *accensi*, less trustworthy than either, were posted in the extreme rear.

XI. In the time of Polybius,[1] which was that of Fabius and Scipio, when the legion contained four thousand two hundred men, it was divided into one thousand two hundred *hastati*, one thousand two hundred *principes*, and six hundred *triarii*; the remaining one thousand two hundred being *velites*, or light-armed troops, so called from their swiftness and agility (*a volando* vel *velocitate*). The *velites*, when the legion was drawn up in battle order, had no certain post assigned them, but fought in scattered parties where occasion required, usually in front of the lines. When the legion exceeded the number of four thousand two hundred, the *hastati*, *principes*, and *velites* were increased in proportion, the number of *triarii* remaining al-

[1] *Polyb.*, vi., 12.

ways the same (six hundred). The *hastati*, *principes*, and *triarii* were subdivided each into ten *manipuli* or *ordines*, and in each *manipulus* there were two *centuriones*, two *optiones*, or lieutenants of the *centuriones*, and two *signiferi*: hence, when the legion consisted of four thousand two hundred, a *manipulus* of the *hastati* or of the *principes* would contain one hundred and twenty men, including officers, and a *manipulus* of the *triarii* in all cases sixty men only.

XII. The cavalry of the legion was divided into ten *turmæ*, each containing thirty men; and each *turma* into three *decuriæ*, or bodies of ten men each. Each *turma* had three *decuriones*, or commanders of ten; but he who was first elected commanded the *turma*, and was probably called *dux turmæ*. When troops were raised for a service which required special arrangements, the number of horsemen was sometimes increased beyond three hundred.

XIII. When the legion engaged in battle,[1] if the *hastati* and *principes* were successively repulsed, they retired through the openings left between the maniples of the *triarii*, who then closed up their ranks, so as to leave no space between their maniples, and to present a continuous front and solid column to the enemy. The heavy-armed veterans in the foremost ranks, with their *pila*, now bore the brunt of the onset, while the *rorarii* and *accensi*, pressing on from behind, gave weight and consistency to the mass; an arrangement bearing evidence to a lingering predilection for the principle of the phalanx, and representing, just as we might expect at that period, the Roman tactics in their transition state. In accordance with the account here given, the phrase *ad triarios ventum est* is employed to signify, "it has come to the last push," "the last effort is now to be made."

XIV. To Marius or Cæsar is ascribed a great change in the old system of arrangement, the practice, namely, of drawing up the Roman army in lines of cohorts, which gradually led to the abandonment of the ancient division of the legion into *manipuli*, as also of the distinction of *hastati*, *principes*, and *triarii*. The troops were then arranged in two lines instead of three, each line consisting of five cohorts, with a space between each cohort. Each legion was now divided into ten cohorts, each cohort into three *manipuli*, and each *manipulus* into two *centuriæ*; so that there were thirty *manipuli* and sixty *centuriæ* in a legion. It appears that very anciently the allies or auxiliaries of Rome were arranged by cohorts.

XV. When the change brought in by Marius or Cæsar had become fully established, the *velites* disappeared. The skirmishers, included under the general name of *milites levis armaturæ*, consisted

[1] *Liv.*, viii., 8.

henceforth, for the most part, of foreign mercenaries, possessing peculiar skill in the use of some national weapon, such as the Balearic slingers (*funditores*); the Cretan archers (*sagittarii*); and the Moorish dartmen (*jaculatores*). Troops of this description had, it is true, been employed by the Romans even before the second Punic war;[1] but now they consisted exclusively of foreigners, were formed into a regular corps, under their own officers, and no longer entered into the constitution of the legion. When operations requiring great activity were undertaken, such as could not be performed by mere skirmishers, detachments of legionaries were lightly equipped, and marched, without baggage, for these special services; and hence the frequent occurrence of such phrases as *expediti*, *expediti milites*, *expeditæ cohortes*, and even *expeditæ legiones*.

XVI. The cavalry of the legion also underwent now a change in every respect analogous to that which took place in regard of the light-armed troops. In the history of Cæsar's campaigns in Gaul, we find the number of Roman *equites* attached to his army was very small, and that they were chiefly employed as aid-de-camps and on confidential missions. On the other hand, it is evident that the bulk of his cavalry consisted of foreigners. In like manner, they ceased to form part of the legions, and from this time forward we find the legions and the cavalry spoken of as completely distinct from one another. Under the empire, however, we find, to a certain extent, a return to the ancient system, and in the time of Vespasian, for instance, each legion had one hundred and twenty horse attached to it.

XVII. During the earlier part of the imperial period, down to the age of the Antonines, or from B.C. 31 to A.D. 150, we find the legion still divided into ten cohorts, and each cohort into six centuries; the first cohort, however, which had the custody of the eagle, was double the size of the others, and contained nine hundred and sixty men, the remaining cohorts having each four hundred and eighty men; and, consequently, each ordinary century contained eighty men; the whole strength of the legion being thus five thousand two hundred and eighty men. We read also, during this period and subsequently, of the *Prætoriani* (scil. *milites*) or *Prætoriæ Cohortes*, a body of troops originally instituted by Augustus to protect his person and his power, and called by this name in imitation of the *prætoria cohors*, or select body of troops, which attended the person of the general of the Roman army.[2] They originally consisted of nine[3] or ten[4] cohorts, each comprising a thousand men, horse and foot. Au-

[1] *Liv.*, xxii., 37. [2] *Sall.*, *Cat.*, 60; *Cic.*, *Cat.*, ii., 11; *Cæs.*, *B. G.*, i., 40.
[3] *Tac.*, *Ann.*, iv., 5; *Suet.*, *Aug.*, 49. [4] *Dion Cass.*, lv., 24.

gustus, in accordance with his general policy of avoiding the appearance of despotism, stationed only three of these cohorts in the capital, and dispersed the remainder in the adjacent towns of Italy. Tiberius, however, under pretence of introducing a stricter discipline among them, assembled them all at Rome in a permanent camp, which was strongly fortified. Their number was increased by Vitellius to sixteen cohorts or sixteen thousand men.[1] They enjoyed various privileges, and eventually became the most powerful body in the state, frequently deposing and elevating emperors at pleasure.

MANNER OF HOLDING A LEVY.

XVIII. After the election of consuls was concluded, and if forces were to be levied, the first step was to choose the chief officers of the legions, who were called *tribuni militum*, or military tribunes. As there were regularly two Roman legions in every consular army, and six military tribunes in each legion, twenty-four of these officers were chosen if two consular armies were to be raised, or twelve if there was to be but one army. Of the twenty-four military tribunes, fourteen were selected from persons who had served five campaigns of one year, and were termed *juniores*; the remaining ten from those who had served for ten campaigns.

XIX. The consuls next made proclamation of a day upon which all Roman citizens liable to do military duty must assemble in the Capitol. Sometimes, however, the levy was ordered to be held in the *Campus Martius*, which was beyond the jurisdiction of the tribunes of the commons, who, especially in the earlier ages of the commonwealth, often interfered to prevent an army from being raised.

XX. The citizens thus ordered being in attendance on the day appointed, the military tribunes, divided into four bodies, corresponding to the general distribution of the legions into two consular armies (two legions for each consul), drew out the tribes by lot, one by one; then calling up that tribe upon which the lot first fell, they chose (*legerunt*, whence the name *legio*) from it four young men nearly equal in age and stature. From these the tribunes of the first legion chose one, those of the second chose a second, and so on: after this form other men were selected; and now the tribunes of the second legion made the first choice; then those of the other legions in order, and, last of all, the tribunes of the first legion made their choice. In like manner, from the next four men, the tribunes, beginning with those of the third legion, and ending with those of the second, made their choice. Observing the same method of ro-

[1] *Tac.*, *Hist.*, ii., 93.

tation to the end, it followed that all the legions were nearly alike with respect to the ages and stature of the men.[1]

XXI. Polybius observes, that anciently, the cavalry troops were chosen after the infantry, and that two hundred horse were allowed to every four thousand foot; but he adds, that in his time it was customary to select the cavalry first, and then to assign three hundred of these to each legion.[2]

XXII. The levy being completed, the military oath (*sacramentum*) was then administered. On this occasion, one person was appointed to pronounce the words of the oath (*qui reliquis verba sacramenti præiret*), and the rest of the legionaries then came forward, one by one, and swore to perform what the first had pronounced. Each soldier, as he passed by, exclaimed "*idem in me!*" The form of the oath differed at different times. During the republic, it contained an engagement to be faithful to the Roman senate and people, and to execute all the orders that should be given by the commanders. Under the emperors, fidelity to the sovereign was introduced into the oath; and after the establishment of Christianity, the engagement was made in the name of the Trinity and the majesty of the emperor.

XXIII. At the same time, the consuls gave notice to the magistrates of those towns in Italy in alliance with Rome from whom they desired to receive a contingent, of the number which each would be required to furnish, and of the day and place of gathering. The allied cities levied their troops and administered the oath much in the same manner as the Romans, and then sent them forth after appointing a commander and a paymaster,[3] for the troops of the allies were paid by their own states, and received nothing from the Romans but corn. The troops sent by foreign kings and states were called auxiliaries (*auxilia*). They usually received pay and clothing from the republic, although they sometimes were supported by those who sent them.

XXIV. When, however, after the termination of the Social war, a large proportion of the inhabitants of Italy were admitted to the privilege of Roman citizens, the ancient distinction so long maintained between the legions and the allies (*Legiones et Socii*) at once disappeared, and all who had formerly served as *Socii* became as a matter of right incorporated with the *Legiones*. An army, therefore, during the last years of the republic and under the earlier emperors, consisted of *Romanæ legiones et auxilia*, the latter term comprehending troops of all kinds, except the legions and imperial guards, whether infantry or cavalry, light-armed or heavy-armed,

[1] *Polyb.*, vi., 14. [2] *Id.*, vi., 20. [3] *Id.*, vi., 21.

mercenaries in the pay of the state, or contingents furnished at the cost of kings and cities in alliance with Rome. Whenever the word *Socii* is applied to troops after the date of the Marsic war, it is generally to be regarded as equivalent to *auxilia*.

XXV. The manner of levying troops in Italy must necessarily have changed with this change of circumstances. We are destitute of any definite information, but, in all probability, a system of conscription was established and carried out by means of *Conquisitores*, such as were occasionally appointed in earlier times when difficulty was experienced in finding men.[1]

XXVI. The most important change of all, in so far as society at large was concerned, was that to which we have already adverted, the establishment, namely, of the military *profession*, and the distinction now first introduced between the civilian and the soldier. This naturally led to the abrogation of the rule, still in force when Polybius wrote, by which no one could hold any magistracy until he had completed ten years of military service.

Feb. 10. 1852.

CHAPTER XXIII.

MILITARY AFFAIRS OF THE ROMANS.

EQUIPMENT OF THE ROMAN TROOPS IN THE TIME OF POLYBIUS.—EQUIPMENT UNDER THE EMPIRE.—OFFICERS OF THE LEGION.—OFFICERS OF THE ALLIES. — ROMAN AGMEN, OR LINE OF MARCH. — LEGATI. — DRESS OF THE OFFICERS, &c.

I. The equipment of the Roman troops in the time of Polybius was as follows:

The *Velites* had for defensive armor a plain head-piece, sometimes covered with the hide of a wolf, or any similar material; and a strong buckler, called *parma*, three feet in diameter. Their offensive weapons were a sword, and the light javelin (*hasta velitaris*), the shaft of which (*hastile*) was generally two cubits, that is, about three feet in length, and in thickness a finger's breadth, or about .7584 of an inch; the iron point a span in length, or about nine inches, hammered out so fine that it was of necessity bent at the first cast, and therefore could not be hurled back by the enemy.[2]

The *Hastati* wore a full suit of defensive armor, consisting of shield, helmet, breast-plate, and a greave. Their shield, termed *scutum*, was formed of two rectangular boards, from four feet to

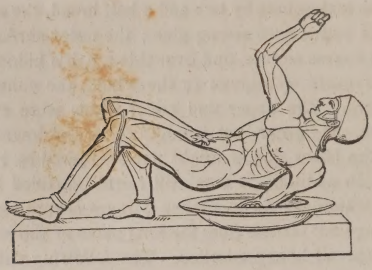
[1] *Liv.*, xxii., 11. Compare *Cic.*, *ad Att.*, vii., 10; *Hirt.*, *B. Alex.*, 2.

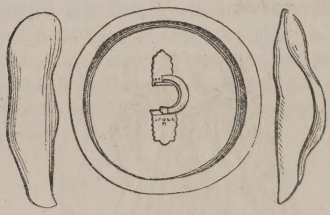
[2] *Liv.*, xxiv., 34.

four feet three inches long by two and a half broad, the one laid over the other, and united with strong glue; the outer surface was then covered with coarse canvas, and over this a calf's hide was stretched, and a curvature was given to the whole, the convexity being turned outward. The upper and under edges were strengthened by an iron rim, the former that it might resist the downward stroke of a sword, the latter that it might not be injured by resting upon the ground. In addition, it was still farther fortified by an outer iron surface, which served to render it more secure against blows from stones, against thrusts from the long pikes of the phalanx, and, in general, from all heavy missiles. The following cut gives representations of the *scutum*.

One leg was protected by a greave (*ocrea*), namely, the right; sometimes, however, both legs. When the Roman soldiers threw their *pila*, they had the left leg foremost; but when they engaged in close combat with the sword, they advanced the right, which was therefore more commonly alone protected by the greave. The greaves were made light, and of various metals, with a lining probably of leather, felt, or cloth. Their form is shown in the cut on the following page. The figure is that of a fallen warrior, and, in consequence of the bending of the knees, the greaves are seen to project a little above them.

The head was protected by a bronze helmet (*galea*), with a crest composed of three scarlet or black feathers, standing erect to the height of about eighteen inches, so that the casque added greatly to the apparent stature and imposing carriage of the soldier. The greater number of the *hastati* wore in front of their breast a brass





plate, nine inches square; but those whose fortunes exceeded one hundred thousand asses had complete cuirasses of chain armor.

The offensive weapons of the *hastati* consisted of a sword and heavy javelins. The sword was girded on the right side. It had a strong straight blade, double edged and sharp pointed, being thus calculated for both cutting and thrusting. It was called a Spanish sword, in contradistinction to the Gaulish sword, which was a cutting sword only. Each man carried in his hand two of those heavy missiles called *pila*, which may be regarded as the characteristic weapon of the Roman infantry. The shaft of these was in every case four and a half feet (three cubits) long, and the barbed iron head was of the same length, but this extended half way down the shaft, to which it was attached with extreme care,[1] so that the whole length of the weapon was about six feet nine inches. The shaft varied both in form and thickness; in form it was sometimes cylindrical, sometimes quadrangular; in the heaviest, the diameter of the cylinder, or the breadth across one of the flat sides, was about three inches.

The equipment of the *Principes* and *Triarii* was in every respect the same with that of the *hastati*, except that the latter carried pikes (*hastæ*) instead of *pila*.

II. In addition to his armor and weapons, the legionary, when in

[1] *Polyb.*, vi., 23.

marching order, usually carried provisions for a fortnight at least, and three or four stakes, used in forming the palisade of the camp, besides various tools, an enumeration of which will be found in Josephus.[1] The whole amounted to about sixty pounds' weight, exclusive of the arms. The Roman writers frequently allude with pride to the powers of endurance exhibited by their countrymen in supporting with ease such overwhelming loads; and Polybius draws a contrast between the Italian and the Greek soldier in this respect little favorable to the energy of the latter.[2] Scipio even trained his men to carry food for thirty days, and seven stakes each, double the usual burden.

III. The equipment of the cavalry was originally adapted solely to secure great ease and rapidity of movement. Hence they wore no breast-plate, but were clad in a single garment girded tight around their bodies; their shields were formed simply of an ox's hide, were incapable of withstanding a strong blow, and were readily damaged by wet: their lances were so light and the shaft so thin that they vibrated from the motion of the horse. In the time of Polybius, however, they had adopted the Greek equipment, namely, a breast-plate, a solid buckler, and a strong spear, fashioned in such a manner that the end by which it was held was so far pointed as to be available in case of necessity.

IV. Under the empire a change took place in the equipment of the troops, a description of which has been transmitted to us by Josephus, and his testimony is peculiarly valuable, proceeding as it does from a competent eye-witness.

The infantry wore cuirasses, helmets, and two swords, that is, a long sword on the left, and a short dagger on the right side. The select infantry in attendance upon the general carried a long spear and a round shield (*clipeus*); the rest of the legionaries a *pilum* and a *scutum*. In addition, each man had a saw and a basket, a mattock and a hatchet, a leather strap, a hook and a chain, together with provisions for three days.

The equites wore helmets and cuirasses like the infantry, with a broad sword at their right side, and carried in their hand a long pole; a buckler swung at their horses' flank; and they were furnished with a quiver containing three or more javelins, with broad points, and as large as spears. Stirrups were not used either under the republic or the empire. They came in at a very late period. As a substitute for their use, the horses, more particularly in Spain, were taught to kneel at the word of command, when their riders wished to mount them. The use of saddles, however, was not un-

[1] *B. J.*, iii., 5, 5.

[2] *Polyb.*, xviii., 1. Compare *Cic.*, *Tusc.*, ii., 16.

known. It has been asserted, indeed, and generally believed, that saddles were unknown until the fourth century of our era, and that by the term *ephippium*, in the classic writers, a mere horse-cloth or covering is meant. Recent investigations, however, have shown that the *ephippium* was an actual saddle-tree, or frame of wood, which, after being filled with a stuffing of wool or cloth, was covered with softer materials, and fastened by means of a girth upon the back of the animal. Pendent cloths were always attached to it, so as to cover the sides of the steed.

OFFICERS OF THE LEGION.

Tribuni.

V. The chief officers of the legion were the *Tribuni Militum.* Their number in a legion was originally three, one from the *Ramnes*, one from the *Luceres*, and one from the *Tities*. Each of these would command a thousand men, the original number of the legion being three thousand, and hence they are called by the Greek writers χιλίαρχοι. In the time of Polybius the number was six; but when, and under what circumstances the increase took place, is unknown. When there were six, and the legion contained six thousand men, they would still command a thousand each. The general duties of the tribunes consisted in keeping order among the soldiers in the camp, in superintending their military exercises, inspecting outposts and sentinels, procuring provisions, settling disputes among soldiers, superintending their health, &c.

VI. Up to the year B.C. 361, the tribunes were chosen by the commanders-in-chief, that is, by the kings in the first instance, and afterward by the consuls, or a dictator, as the case might be. In the year above named, the people assumed to themselves the right of electing either the whole or a certain number, it is impossible to say which;[1] but they seem to have allowed matters to return, to a great extent, to their former state, until B.C. 311, when it was ordained that they should choose sixteen for the four legions.[2] From this time forward until B.C. 207, the people continued to elect the whole, or, at all events, the greater number. In this year the consuls Nero and Livius appointed the tribunes to nineteen out of the twenty-three legions then raised. Subsequently we find some of the tribunes chosen by the people, and some by the consuls in varying proportions. From the reign of Tiberius, however, the office of tribune was in the gift of the prince alone. The tribunes elected by the votes of the people were termed *comitiati*; those chosen by

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[1] *Liv.*, vii., 5.

[2] *Id.*, ix., 30.

the general, *Rufuli*, because, according to Festus, their privileges were fixed by a law of Rutilius Rufus.[1]

VII. All tribunes were not upon an equality;[2] but how the precedence was regulated, whether by seniority or the mode of election, we can not determine. According to Polybius, no one was eligible to the office who had not served for ten years in the infantry, or five in the cavalry. This rule, however, admitted of exceptions, for we find that the elder Scipio Africanus was tribune of the soldiers at the battle of Cannæ,[3] although certainly not twenty years old; and Hortensius rose to the same rank in his second campaign.

VIII. Augustus introduced certain regulations altogether new. He permitted the sons of senators to wear the *tunica laticlavia* as soon as they assumed the manly gown, and to commence their military career as tribunes, or commanders (*præfecti*) of cavalry.[4] Such persons were called *tribuni laticlavii*. We find, also, in one passage at least, the phrase *tribunus angusticlavius*,[5] as indicating the son of an *eques*, to whom this same permission had been conceded. We can scarcely suppose, however, that raw youths, entering the army for the first time, were actually allowed to exercise the authority which the name implies; and hence we may conclude that in their case it was a mere honorary title.

IX. By the later emperors, tribuneships were bestowed without regard to the birth of the individual; and, in order that they might have an opportunity of obliging a greater number of applicants, the post was frequently conferred for six months only. Hence the office was sometimes called *semestris tribunatus*,[6] and also, from the tribunes being allowed the right of wearing a gold ring, *semestre aurum*.

Centuriones.

X. Next in rank to the *tribunus* was the *centurio*, who, as the name implies, commanded a century; and the century being termed also *ordo*, the centurions were frequently called *ordinum ductores*. The number of centurions in a legion was sixty, that being at all times the number of centuries.[7]

XI. The chief ordinary duties of the centurions were to drill the soldiers, to inspect their arms, clothing, and food, to watch the execution of the labors imposed, to visit the sentinels, and to regulate the conduct of their men both in the camp and in the field. They sat as judges also in minor offences, and had the power of inflict-

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[1] *Liv.*, vii., 5; *Festus, s. v. Rufuli.*
[2] *Liv.*, xli., 3.
[3] *Id.*, xxii., 53.
[4] *Suet., Aug.*, 38.
[5] *Suet., Oth.*, 10.
[6] *Plin., Ep.*, iv., 4, 1.
[7] *Dionys.*, ix., 107; *Tac., Ann.*, i., 32.

ing corporal punishment. Their badge was a vine-sapling (*vitis*),[1] with which they corrected the lazy or the refractory,[2] and hence *vite donari*, "to be made a centurion," *vitem poscere*,[3] "to ask for the centurionship," *vitem gerere*,[4] "to bear the office of centurion."

XII. The tribunes chose the centurions from among the common soldiers according to merit, subject, however, to the control of the consuls. During the decline of the republic, however, it was notorious that these posts were made an object of mercenary traffic, and under the empire the greatest corruption prevailed.

XIII. There were two centurions in each maniple, and of these the one first chosen took command of the right division, the other of the left. The century to the right was considered as the first century of the maniple, and its commander took precedence with the title of *prior*, his companion to the left being called *posterior*, the priores in each of the three divisions of *Triarii*, *Principes*, and *Hastati* being the ten centurions first chosen.[5] Hence,

The centurion of the first century of the first maniple of the *triarii* was called *Centurio primi pili prior*, "the first centurion of the first company armed with the *pilum*," and also *Primus Pilus*, or *Primipīlus*, or *Primopīlus*; and the centurion of the second century of the first maniple of the *triarii* was called *Primipilus posterior*. So the two centurions of the second century of the second maniple of the *triarii* were called respectively *Centurio prior* and *Centurio posterior secundi pili*; and so on to the tenth, who was styled *Centurio decimi pili prior*, &c. In like manner, *Primus princeps*, *Secundus princeps*, &c., *Primus hastatus*, &c. Thus there was a large field for promotion in the Roman legion, from a common soldier to a centurion; from being the lowest centurion of the tenth maniple of the *Hastati* (*Decimus hastatus posterior*) to the rank of *Primipilus*.

The *Primipilus* occupied a very conspicuous position. He stood next in rank to the *tribuni militum*; he had a seat in the military council; to his charge was committed the eagle of the legion, whence he is sometimes styled *Aquilifer*, and, under the empire at least, his office was very lucrative.

Even after the distinction between *Hastati*, *Principes*, and *Triarii* was altogether abolished, and they were all blended together in the cohorts, the same nomenclature with regard to the centuries and their commanders was retained, although it is by no means easy to perceive how it was applied. The cohorts being numbered from one to ten, and the first cohort having unquestionably the precedence over the others, we may suppose

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[1] *Plin.*, *H. N.*, xiv., 1, 3; *Tac.*, *Ann.*, i., 23; *Juv.*, viii., 247.
[2] *Ovid*, *Art. Amor.*, i., 527.
[3] *Juv.*, xiv., 193.
[4] *Lucan*, vi., 146; *Liv.*, *Epit.*, lvii.
[5] *Tac.*, *Ann.*, i., 32; *Dionys.*, ix., 10.

that the rest took rank in like manner in regular order, each containing three maniples. The first maniple in each cohort may have been considered as representing *Triarii* according to the ancient arrangement, the second maniple in each cohort as representing *Principes*, the third as representing the *Hastati*. If this hypothesis be admitted, the *Primipilus*, whom we find mentioned down to a very late date, was, under the new system, the first centurion of the first maniple of the first cohort, and, as such, had, as formerly, the charge of the eagle.

OPTIONES.

XIV. The centurions chose each one assistant or lieutenant, called *Optio*,[1] a term which signifies, in general, a person chosen (*optatus*) by another as an assistant. By Livy a subaltern of this kind is named *Subcenturio*,[2] but the individual there mentioned was selected for a particular purpose.

OFFICERS OF THE ALLIES, &c.

XV. The infantry furnished by the *Socii* were, as already remarked, for the most part equal in number to the Roman legions, the cavalry twice or thrice as numerous, and the whole were divided equally between the two consular armies. Each consul named twelve superior officers, who were termed *Præfecti Sociorum*, and corresponded to the legionary tribunes. A selection was then made of the best men, to the extent of one fifth of the infantry and one third of the cavalry: these were formed into a separate corps, under the name of *Extraordinarii*, and on the march and in the camp were always near the person of the consul.

ROMAN AGMEN, OR LINE OF MARCH.

XVI. The *Extraordinarii pedites* led the van, followed by the right wing of the infantry of the allies and the baggage of these two divisions; next came one of the Roman legions with its baggage following; next the other Roman legion with its own baggage, and that of the left wing of the allies, who brought up the rear. The different corps of cavalry sometimes followed immediately behind the infantry to which they were attached, sometimes rode on the flanks of the beasts of burden, at once protecting them and preventing them from straggling. If there was any apprehension of an attack from behind, the only change in the above order consisted in making the *Extraordinarii* bring up the rear instead of leading the van.

XVII. As far as the position of the two legions with regard to each other, and also of the two wings of the allies, was concerned,

[1] *Tac.*, *Hist.*, i., 25.

[2] *Liv.*, viii., 8.

it was understood that the legion and the wing which took the lead upon one day, should fall behind upon the next day, in order that each in turn might have the advantage of arriving first at the watering places and fresh pastures. When marching in open ground, where an attack on the flanks was anticipated, a different disposition was sometimes adopted. The *Hastati*, *Principes*, and *Triarii* marched in three columns parallel to each other, the baggage of the first maniples took the lead, the baggage of the second maniples was placed between the first and second maniples, and so on for the rest, the baggage in each case preceding the maniple to which it belonged. If an attack was made then, the soldiers wheeling either to the right or to the left, according to circumstances, and advancing at the same time a few steps, by this simple and easily executed movement presented at once an even front to the enemy, the whole of the baggage being now in the rear.

XVIII. Generally, when advancing through a country in which it was necessary to guard against a sudden onset, the troops, instead of proceeding in a loose, straggling column, were kept together in close, compact bodies, ready to act in any direction at a moment's warning; and hence an army, under these circumstances, was said *agmine quadrato incedere*.[1]

XIX. An account of the agmen or line of march in the time of Vespasian, differing in many respects from the foregoing, may be seen in Josephus.[2]

LEGATI.

XX. The *Legati* were persons who accompanied the Roman generals on their expeditions, and, in later times, the governors of provinces also. *Legati*, or lieutenants, as serving under the consuls in the Roman armies, are mentioned along with the tribunes at a very early period.[3] These officers were nominated (*legabantur*) by the consul or dictator under whom they served;[4] but the sanction of the senate (*senatusconsultum*) was an essential point, without which no one could be legally considered a *legatus*;[5] and from Livy[6] it appears that the nomination by the magistrates (consul, prætor, or dictator) did not take place until they had been authorized by a decree of the senate.

XXI. The persons appointed to this office were usually men of great military talents, and it was their duty to advise and assist

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[1] *Sall., Jug.*, 105; *Senec., Ep.*, 59. Compare *Cic., Phil.*, ii., 42, 7.
[2] *B. J.*, iii., 6, 2.
[3] *Liv.*, ii., 59; iv., 17.
[4] *Sall., Jug.*, 28; *Cic., ad Att.*, xv., 11; *Id., ad Fam.*, vi., 6.
[5] *Cic., pro Sext.*, 14.
[6] *Liv.*, xliii., 1.

their superior in all his undertakings, and to act in his stead both in civil and military affairs.[1] The *legati* were thus always men in whom the consul placed great confidence, and were frequently his friends or relations; but they had no power independent of the command of their general.[2] Their number varied according to the greatness or importance of the war, or the extent of the province: three is the smallest number we know of; but Pompey, when in Asia, had fifteen *legati*.

XXII. Whenever the consuls were absent from the army, or a proconsul left his province, the *legati* or one of them took his place, and then had the insignia as well as the power of his superior. He was in this case called *legatus pro prætore*, and hence we sometimes read that a man governed a province as a *legatus* without any mention being made of the proconsul whose vicegerent he was. During the latter period of the republic, it sometimes happened that a consul carried on a war, or a proconsul governed his province through his legati, while he himself remained at Rome, or conducted some other more urgent affairs.

XXIII. When the consul performed any thing in person, he was said to do it by his own conduct and auspices (*ductu* vel *imperio, et auspicio suo*); but if his *legatus* or any other person did it by his command, it was said to be done *auspicio consulis, ductu legati*, by the auspices of the consul and conduct of the *legatus*. In this manner the emperors were said to do every thing by their auspices, although they remained at Rome, *Ductu Germanici, auspiciis Tiberii*,[3] &c.

DRESS OF THE OFFICERS.

XXIV. The military robe or cloak of the general was called *Paludamentum*.[4] It was worn also by his principal officers and personal attendants,[5] in contradistinction to the *sagum* of the common soldiers, and the *toga* or garb of peace. It was the practice for a Roman magistrate, after he had received *imperium* from the *comitia curiata*, and offered up his vows in the Capitol, to march out of the city arrayed in the *paludamentum* (*exire paludatus*), attended by his lictors in similar attire (*paludatis lictoribus*); nor could he again enter the gates until he had formally divested himself of this emblem of military power.

XXV. The *paludamentum* was open in front, reached down to the

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[1] *Varro, L. L.*, v., 87, *ed. Müller.* [2] *Cæs., Bell. Civ.*, ii., 17; iii., 51.
[3] *Liv.*, iii., 1, 17, 42; xli., 17, 28.
[4] *Tac., Ann.*, ii., 41. Compare *Horat., Od.*, iv., 14, 16; *Ovid, Trist.*, ii., 173.
[5] *Liv.*, i., 26; *Plin., H. N.*, xvi., 3; *Tac., Ann.*, xii., 56; *Juv.*, vi., 399.

knees or a little lower, and hung loosely over the shoulders, being fastened across the chest by a clasp. The color was commonly white or purple, and hence it was marked and remembered that Crassus, on the morning of the fatal battle of Carrhæ, went forth in a dark-colored mantle. The following cut represents the *paludamentum.*

XXVI. The military cloak of the ordinary officers and the common soldiers was called *Sagum.* It was open in front, and usually fastened across the shoulders by a clasp,[1] and resembled in form the *paludamentum.* The *sagum* was thick, and made of wool, whence the name is sometimes given to the wool itself. The cloak worn by the general and superior officers is sometimes called *sagum,*[2] but the diminutive *sagulum* is more commonly used in such cases.[3]

XXVII. The term *sagum* is used in opposition to the *toga* or garb of peace, and we accordingly find, that when there was a war in Italy, all citizens put on the *sagum* even in the city, with the exception of those of consular rank. Hence *Est in sagis civitas,*[4] and *sumere saga, ad saga ire,*[5] &c., and, in opposition to this, *redire ad togas.*

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[1] *Treb. Poll., Trig. Tyrann.*, 10.
[2] *Hor., Ep.*, ix., 28.
[3] Compare *Sil. Ital.*, iv., 519; xvii., 528; *Liv.*, xxx., 17.
[4] *Cic., Phil.*, viii., 11.
[5] *Id. ib.*, v., 12; xiv., 1.

Feb. 11. 1652.

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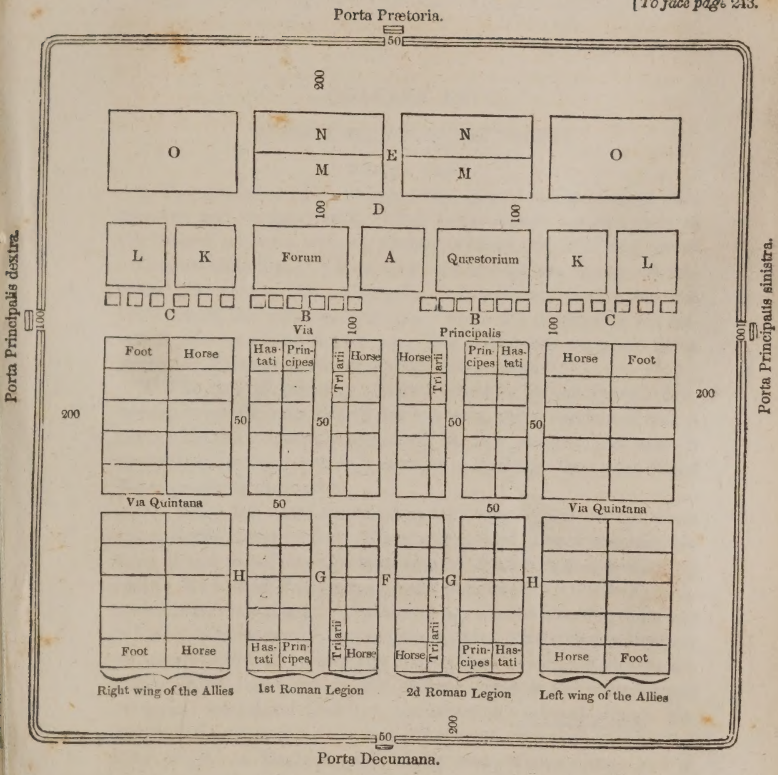

EXPLANATION.

A. *Prætorium*, or general's tent, looking inward over the camp.
B. B. Tents of the tribunes.
C. C. Tents of the *præfecti sociorum*.
D. Street one hundred feet wide.
E. F. G. G. H. H. Streets fifty feet wide.
K. K. L. L. Select foot and volunteers.
M. M. *Extraordinarii Equites*.
N. N. *Extraordinarii Pedites*.
O. O. Reserved for occasional auxiliaries.

CHAPTER XXIV.

MILITARY AFFAIRS OF THE ROMANS.

ROMAN CAMP.

I. The discipline of the Romans was chiefly conspicuous in their marches and encampments. They never passed a night, even in the longest marches, without pitching a camp, and fortifying it with a rampart and ditch.[1] The system of encampment among the Romans was one, in fact, of singular regularity and order, and has been clearly described by Polybius. From his description the annexed plan has been drawn up. The enemy are supposed to be facing the *Porta Prætoria*, at the top of the page.

II. The duty of selecting a proper situation for the camp (*castra metari*) devolved upon one of the tribunes, and a number of centurions who were specially appointed for that purpose, and sent in advance whenever the army was about to encamp: they were called *Metatores*, from their office.

III. When the army stayed even for a single night in the same camp, it was called *castra*. When it remained for any considerable time in the same place, it was termed *Stativa castra*, a standing camp. So also, *Æstiva* (scil. *castra*), a summer camp; *Hiberna* (scil. *castra*), winter quarters. A winter camp was first used at the siege of Veii.[2] The winter quarters of the Romans were strongly fortified, and were furnished, particularly under the emperors, with every accommodation, like a city, as, for instance, arsenals and store-houses (*armaria*), workshops (*fabricæ*), an infirmary (*valetudinarium*), &c. Hence from them many cities in Europe are supposed to have had their origin; in England, particularly those whose names end in *cester* or *chester*, a corruption of *castra*.

IV. The form of the Roman camp was a square,[3] the length of each side being two thousand and seventeen Roman feet. In later ages, however, in imitation of the Greeks, they sometimes made it circular, or else adapted it to the nature of the ground.[4] It was surrounded with a ditch (*fossa*), usually nine feet deep and twelve feet broad, and by a rampart (*vallum*) made of the earth that was thrown out (*agger*), with stakes (*valli*) fixed at the top of it.[5] The labor of this work was so divided that the allies completed the two

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[1] *Liv.*, xliv., 39; *Sall.*, *Jug.*, 45, 91.
[2] *Liv.*, v., 2.
[3] *Polyb.*, vi., 25.
[4] *Veget.*, i., 23.
[5] *Cæs.*, *Bell. Civ.*, ii., 1, 15; *Polyb.*, xvii., 14, 15.

sides of the camp alongside of which they were stationed, and the two Roman legions the rest.

V. The camp had four gates, one at the top and bottom, and one at each of the sides. The back gate, in our cut at the bottom of the page, was on the side most away from the enemy, and was called *Porta Decumana;* the front gate, in our cut at the top of the page, and which faced the enemy, was called *Porta Prætoria*, from its being near the *Prætorium*, or general's quarters, *prætor* being the old name for consul or commander. The gates on the sides were the *Porta Principalis dextra* and the *Porta Principalis sinistra*. These two gates derived their name from their facing either extremity of the *Via Principalis*, and they were called *dextra* and *sinistra* with reference to the *Prætorium*, which, as we have already remarked, looked inward.

VI. The camp was divided into two parts, called the upper and lower. The upper part (*pars castrorum superior*), looking in our cut from the top of the page down upon the main camp, was the portion nearest the *Porta Prætoria*.[1] In it was the *Prætorium* (A), or space of ground set apart for the general's tent, and for the tents of his retinue. A part of the *Prætorium* was called the *Augurale*, as the auguries were there taken. On one side of the *Prætorium*, probably the right, was the *Forum*, where things were sold and meetings held; on the other side was the *Quæstorium*, a space appropriated to the quæstor and the camp stores under his superintendence.

VII. On the sides of and facing the *Forum* and *Quæstorium* were stationed select bodies of horse (K), taken from the *extraordinarii*, with mounted volunteers, who served out of respect to the consul, and were stationed near him; and parallel to these were posted similar bodies of foot soldiers (L). Before the *Quæstorium* and the *Forum* were the tents of the twelve tribunes of the two legions (B B), and before the select bodies of horse and infantry the tents of the *præfecti sociorum* were probably placed (C). Again, behind the *Prætorium*, the *Quæstorium*, and the *Forum*, ran a street or *via* (D), one hundred feet broad, from one side of the camp to the other. Along the upper side of this street was ranged the main body of the *extraordinarii equites* (M): they were separated into two equal parts by a street fifty feet broad (E). At the back of this body of cavalry was posted a similar body of infantry (N), selected from the allies, and facing the opposite way, that is, toward the ramparts of the camp. The vacant spaces (O) on each side of these troops were reserved for foreigners and occasional auxiliaries.

[1] *Liv.*, xl., 27.

VIII. The lower part of the camp was divided from the upper by a street called the *Via Principalis* (V P), or *Principia*, one hundred feet broad. Here the tribunal of the general was erected, from which he harangued the soldiers, and here the tribunes administered justice. Here also the principal standards, the altars of the gods, and the images of the emperors were placed. The lower part of the camp was occupied by the two legions and the troops of the allies, according to the arrangement of the cut already given. The vacant space of two hundred feet on every side was useful for many purposes: thus it served for the reception of any booty that was taken, and facilitated the entrance and exit of the army. The tents were covered with leather or skins, extended by ropes; hence *sub pellibus retineri.*[1]

In the description which we have here given of the Roman camp and its internal arrangements, we have confined ourselves to the information afforded by Polybius,[2] which, of course, applies only to his age, and to armies constituted like those he witnessed. When the practice of drawing up the army by cohorts had superseded the ancient division into maniples and the distinction of *triarii*, &c., the internal arrangements of the camp must have been changed accordingly.

IX. A certain number of troops was appointed to keep guard before the gates of the camp, on the ramparts, and in different parts of the camp, and these guards were changed every three hours. The guards placed before the gates of the camp were called *stationes.* The word *excubiæ* denotes guards either by day or night; *vigiliæ* by night only. The night was divided into four watches, each of three hours' length. Certain persons were appointed every night to visit all the watches, and were hence called *circuitores.* Every evening, before the watches were set, a watchword was given for the night, inscribed on a four-cornered piece of wood, called *tessera.* It was given by the general to the tribunes and the præfects of the allies, by them to the centurions, and by them to the soldiers. The person who carried the *tessera* from the tribunes to the centurions was called *tesserarius.*[3]

X. The Romans used only wind instruments of music in the army. These were the *Tuba*, straight like our trumpet; *Cornu*, the horn, bent almost round; *Buccina*, a kind of horn trumpet, used by the watches; *Lituus*, the clarion, bent a little at the end, like the augur's staff or *lituus.* The *tuba* was used as a signal for the foot; the *lituus* for the horse.[4] But these are sometimes confounded.[5] The signal was given for changing the watches with a trumpet or horn (*buccina*); hence *ad tertiam buccinam* for *ad tertiam vigiliam*, &c.

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[1] *Tac., Ann.*, xiii., 35. [2] *Polyb.*, vi., 25. [3] *Id.*, vi., 32.
[4] *Acron., ad Horat., Od.*, i., 1, 23. [5] *Virg., Æn.*, vi., 167.

XI. A principal part of the discipline of the camp consisted in exercises (whence an army was called *exercitus*), such as walking and running completely armed,[1] leaping, swimming,[2] vaulting upon horses of wood, shooting the arrow and throwing the javelin, carrying weights, &c.

XII. When the general thought proper to decamp (*castra movere*), he gave the signal for collecting the baggage, whereupon all took down their tents, but not till they saw this done to the tents of the generals and tribunes. Upon the next signal they put their baggage on the beasts of burden, and upon the third signal began to march. The order of march has already been described (page 239).

XIII. The soldiers were trained with great care to observe the military pace. For this purpose, when encamped, they were led out thrice a month, sometimes ten, sometimes twenty miles, less or more, as the general inclined. They usually marched at the rate of twenty miles in five hours, sometimes with a quickened pace twenty-four miles in that time.[3]

Feb. xii. MDCCCLII.

CHAPTER XXV.

MILITARY AFFAIRS OF THE ROMANS.

STANDARDS.—MILITARY REWARDS.—TRIUMPH.—OVATION.—SPOLIA OPIMA.—MILITARY PUNISHMENTS.—MILITARY PAY AND DISCHARGE.—METHOD OF ATTACKING AND DEFENDING TOWNS.

STANDARDS.

I. The most ancient standard employed by the Romans is said to have been a handful of straw fixed to the top of a spear or pole. Hence the company of soldiers belonging to it was called *Manipulus*.

II. The bundle of hay or fern was soon succeeded by the figures of animals,[4] of which Pliny enumerates five, namely, the eagle, the wolf, the minotaur, the horse, and the boar. In the second consulship of Marius, the four quadrupeds were entirely laid aside as standards, the eagle being alone retained. It was made of silver or bronze, and with expanded wings, but was probably of small size, since a standard-bearer (*signifer*) under Julius Cæsar is said in circumstances of danger to have wrenched the eagle from its staff, and concealed it in the folds of his girdle.[5]

III. The eagle was the main standard of the legion, but the special standard of the maniple in process of time was a spear with a cross-

[1] *Liv.*, xxiii., 35; *Polyb.*, vi., 20. [2] *Suet.*, *Aug.*, 65.
[3] *Veget.*, i., 9. [4] *Plin.*, *H. N.*, x., 4, 5. [5] *Flor.*, iv., 12.

piece of wood on the top, sometimes having the figure of a hand above (probably in allusion to the word *manipulus*) and below a small round or oval shield, commonly of silver, sometimes of gold, on which were represented the images of the warlike deities, as Mars or Minerva; and, after the extinction of liberty, of the emperors.

IV. Under the later emperors, the eagle was carried, as it had been for many centuries,[1] with the legion, a legion being on that account sometimes called *aquila*; and, at the same time, each cohort had for its own ensign the serpent or dragon (*draco*, δράκων), which was woven on a square piece of cloth, elevated on a gilt staff, to which a cross-bar was attached for the purpose, and it was carried by the *draconarius*.

V. Another figure used in the standards was a ball (*pila*), supposed to have been emblematic of the dominion of Rome over the world;[2] and, for the same reason, a bronze figure of victory was sometimes fixed at the top of the staff. Under the eagle, as under the hand on the standard of the maniple, was often placed a head of the reigning emperor, which was to the army an object of idolatrous veneration.[3] The name of the emperor was sometimes inscribed in the same situation.[4] The pole used to carry the eagle or other emblem had at its lower extremity an iron point (*cuspis*), to fix it in the ground, and to enable the aquilifer, in case of need, to repel the attack.[5]

VI. The centuries had also each an ensign, inscribed with the number both of the cohort and the century. By this provision, together with the diversities of the crests worn by the centurions, every soldier was enabled to take his place with the greatest ease.

VII. Since the movements of a body of troops, and of every portion of it, were regulated by the standards, all the evolutions, acts, and incidents of the Roman army were expressed by phrases derived from this circumstance. Thus *inferre signa*, "to advance;" *referre*, "to retreat;" and *convertere*, "to face about." So *efferre signa*, "to march out of camp;" *ad signa convenire*, "to assemble;" *signa conferre*, "to engage," &c.

VIII. Notwithstanding some obscurity in the use of terms, it appears that while the standard of the legion was properly called *aquila*, those of the cohorts were, in a special sense of the term, called *signa*, their bearers being *signiferi*, and that those of the manipuli as well as of the smaller divisions of the cohort were denominated *vexilla*, their bearers being *vexillarii*. Those, moreover, who fought

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[1] *Hirt., Bell. Hisp.*, 39.
[2] *Isid., Orig.*, xviii., 3.
[3] *Joseph., B. J.*, ii., 9, 2; *Suet., Tib.*, 48, &c.
[4] *Suet., Vespas.*, 6.
[5] *Suet., Cæs.*, 62.

in the first ranks of the legion before the standards of the legion and cohorts were called *Antesignani;* those behind the standards, *Postsignani* or *Subsignani.*

IX. To lose the standard was always esteemed disgraceful, particularly to the standard-bearer, sometimes a capital crime. Hence, to animate the soldiers, the standards were sometimes thrown amid the enemy.

X. The standard of the cavalry was called *vexillum*, and was a flag or banner, that is, a square piece of cloth fixed on the end of a spear. The *vexillum* was also a particular standard, used by a body of veterans, in the time of the emperors, who had served the regular period, but were still retained in the army, and fought apart from the legion.

XI. When a commander, after having consulted the auspices, had determined to lead forth his troops against the enemy, a red flag was displayed on a spear from the top of the general's tent, which was the signal to prepare for battle.

MILITARY REWARDS.

XII. Military rewards were of various kinds, and bestowed in various ways; some by the general, others by the senate, &c. The following enumeration comprises the most important of these:

1. *Corona Obsidionalis.* Among the honorary crowns bestowed by the Romans for military achievements, the most difficult of attainment, and the one which conferred the highest honor, was the *corona obsidionalis*, presented by a beleaguered army after its liberation to the general who broke up the siege. It was made of grass, or weeds and wild flowers,[1] gathered from the spot on which the beleaguered army had been inclosed,[2] in allusion to a custom of the early ages, in which the vanquished party in a contest of strength or agility plucked a handful of grass from the meadow where the struggle took place, and gave it to his opponent as a token of victory.[3] It was sometimes called *corona graminea.*[4]

2. *Corona Civica*, or civic crown, the second in honor and importance,[5] was presented to the soldier who had preserved the life of a Roman citizen in battle,[6] and was therefore accompanied with the inscription *Ob civem servatum.*[7] It was originally made of the *ilex*, afterward of the *æsculus*, and finally of the *quercus*,[8] three different sorts of oak. It is represented in the following wood-cut:

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[1] *Plin., H. N.*, xxii., 7. [2] *Id. ib.; Aul. Gell.*, v., 6.
[3] *Aul. Gell., l. c.; Plin., H. N.*, xxii., 4; *Serv., ad Virg., Æn.*, viii., 128.
[4] *Plin., H. N.*, xxii., 4. [5] *Id.*, xvi., 3. [6] *Aul. Gell.*, v., 6.
[7] *Senec., Clem.*, i., 26. [8] *Plin., H. N.*, xvi., 5.

By the appointment of the general, this crown was presented by the person who had been saved to his preserver, whom he ever afterward respected as a parent.[1] Under the emperors it was always bestowed by the prince or his delegate.[2] It was attended with particular honors. The person who received it wore it at the public spectacles, and sat next the senate. When he entered, the audience rose as a mark of respect.[3] Among the honors decreed to Augustus by the senate was this, that a civic crown should be suspended from the top of his abode, between two laurel branches, which were set up in the vestibule before the gate, as if he were the perpetual preserver of his countrymen, and the conqueror of all his enemies.[4] Hence, on some of the coins of Augustus there is a civic crown, with the words *Ob cives servatos.*

3. *Corona Muralis*, or mural crown, was given by the general to the first man who scaled the walls of a besieged city.[5] It was made of gold, and decorated with turrets. Cybele is represented with this crown upon her head.

4. *Corona Vallaris*, vel *Castrensis.* This was given to the first soldier who surmounted the *vallum*, and forced an entrance into the enemy's camp.[6] It was of gold, and was ornamented with small palisades (*valli*), like those used in forming an intrenchment.

5. *Corona Triumphalis.* There were three sorts of triumphal crowns: the *first* was made of laurel or bay leaves,[7] and was worn

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[1] *Aul. Gell.*, v., 6; *Polyb.*, vi., 37. [2] *Tac., Ann.*, xv., 12. [3] *Polyb., l. c.*
[4] *Dion Cass.*, liii., 15; *Val. Max.*, ii., 8, *fin.*; *Ovid, Fast.*, i., 614; iv., 953.
[5] *Aul. Gell.*, v., 6, 4; *Liv.*, xxvi., 48.
[6] *Aul. Gell.*, v., 6. Compare *Val. Max.*, i., 8, 6.
[7] *Aul. Gell., l. c.*; *Ovid, Pont.*, ii., 2, 81.

round the head of the commander during his triumph; the *second* was of gold, and, being too large and massive to be worn, was held over the head of the general during his triumph by a public officer. This crown, as well as the former one, was presented to the victorious general by his army. The *third* kind, likewise of gold, and of great value, was sent as a present from the provinces to the commander. The following cut represents the *corona triumphalis*.

6. There were also smaller rewards of various kinds, such as a spear without any iron head, called *hasta pura*:[1] a flag or banner, that is, a streamer at the end of a lance or spear (*vexillum*):[2] *Phaleræ*, trappings, or ornaments for horses[3] and also for men:[4] *Torques*, an ornament of gold, twisted spirally, and bent into a circular form. It was worn around the neck, whereas the *phaleræ* hung down on the breast. A *torques* is represented in the following cut.

The *torques* was worn, as an article of military attire, among the

[1] *Virg.*, *Æn.*, vi., 760; *Suet.*, *Claud.*, 28.
[2] *Sall.*, *Jug.*, 85; *Suet.*, *Aug.*, 25.
[3] *Liv.*, xxii., 52.
[4] *Id.*, ix., 46.

Persians, the Gauls, and other Asiatic and Northern nations; and it was by taking a collar of this kind from a Gallic warrior that T. Manlius obtained the cognomen of *Torquatus*.[1] These collars were, therefore, an important portion of the spoil whenever any Celtic or Oriental army was conquered, and hence arose the custom of numbering them among the rewards of valor after a battle.[2]

7. Sometimes soldiers, on account of their bravery or general good conduct, received a double allowance of corn, or double pay, &c. They were hence called *Duplarii* or *Duplicarii*,[3] the former being the more usual name.[4]

HONORS OF A GENERAL.

XIII. The honors of a victorious general were, 1. The title of *Imperator*, given to the commander by his soldiers, with shouts of joy, on the field of battle, after some signal victory. 2. *A Supplicatio*, or public thanksgiving, decreed by the senate, and celebrated for several days in succession (page 195). 3. *A Triumph*. 4. *An Ovation* or minor triumph.

A Triumph.

XIV. A triumph (*Triumphus*) was the highest military honor. It was a solemn procession, in which a victorious general entered the city in a chariot drawn by four horses. He was preceded by the captives and spoils taken in war, and was followed by his troops, and after passing in state along the principal avenues of the city, ascended the Via Sacra to the Capitol, where he offered a solemn sacrifice in the temple of Jupiter.

XV. After any decisive battle had been won, or a province subdued by a series of successful operations, the *imperatores* forwarded to the senate a laurel-wreathed dispatch (*literæ laureatæ*[5]) containing an account of his exploits. If the intelligence proved satisfactory, the senate decreed a public thanksgiving or *Supplicatio*. After the war was concluded, the general with his army repaired to Rome, or ordered his army to meet him there on a given day, but did not enter the city. A meeting of the senate was held without the walls, usually in the temple of Bellona[6] or Apollo,[7] that he might have an opportunity of urging his claims in person, and these were then scrutinized and discussed with the most jealous care.

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[1] *Cic., de Fin.*, ii., 22; *de Off.*, iii., 31.
[2] *Juv.*, xvi., 60; *Plin., H. N.*, xxxiii., 2, 10.
[3] *Varro, L. L.*, v., 90, *ed. Müller*; *Liv.*, ii., 59; xxiv., 47.
[4] *Orelli*, Nos. 3531, 3535, 3476, 3481, &c.
[5] *Zonar.*, vii., 21; *Liv.*, xlvi., 1.
[6] *Liv.*, xxvi., 21; xxxvi., 39.
[7] *Id.*, xxxix., 4.

XVI. The following rules were for the most part rigidly enforced, although the senate assumed the discretionary power of relaxing them in special cases.

1. That no one could be permitted to triumph unless he had held the office of dictator, of consul, or of prætor.[1] The honors granted to Pompey, who triumphed in his twenty-fourth year (B.C. 81), before he had held any of the great offices of the state, and again, ten years afterward, while still a simple eques, were altogether unprecedented.[2]

2. That the magistrate should have been actually in office both when the victory was gained and when the triumph was to be celebrated. This regulation, however, was insisted on only during the earlier ages of the commonwealth. Its violation commenced with Q. Publilius Philo, the first person to whom the senate ever granted a *prorogatio imperii*, or prolonging of military command, after the termination of a magistracy,[3] and thenceforward proconsuls and proprætors were permitted to triumph without question.[4]

3. That the war should have been prosecuted or the battle fought under the auspices and in the province and with the troops of the general seeking the triumph.[5] Thus, if a victory was gained by the *legatus* of a general who was absent from the army, the honor of it did not belong to the former, but to the latter, inasmuch as he had the auspices.

4. That at least five thousand of the enemy should have been slain in a single battle,[6] that the advantage should have been positive, and not merely a compensation for some previous disaster,[7] and that the loss on the part of the Romans should have been small compared with that of their adversaries.[8] But still we find many instances of triumphs granted for general results, without reference to the numbers slain in any one engagement.

5. That the war should have been a legitimate contest against public foes,[9] and not a civil contest. Hence Catulus celebrated no triumph over Lepidus, nor Antonius over Catiline, nor Cinna and Marius over their antagonists of the Sullan party, nor Cæsar after the battle of Pharsalia; and when he did triumph subsequently, after his victory over the sons of Pompey, it caused universal disgust.[10]

6. That the dominion of the state should have been extended,

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[1] *Liv.*, xxviii., 38; xxxi., 20.

[2] *Liv.*, *Epit.*, 89; *Cic.*, *pro Leg. Man.*, 21; *Vell. Pat.*, ii., 30.

[3] *Liv.*, viii., 26.

[4] *Id.*, xxxix., 45; xl., 25, &c.

[5] *Id.*, xxxi., 48; xxxiv., 10; *Val. Max.*, ii., 8, 2.

[6] *Val. Max.*, ii., 8, 1.

[7] *Oros.*, v., 4.

[8] *Liv.*, xxxiii., 22.

[9] *Cic.*, *pro Deiot.*, 5.

[10] *Lucan.*, i., 12. Compare *Val. Max.*, ii., 8, 7; *Dion Cass.*, xliii., 42.

and not merely something previously lost regained. The absolute acquisition of territory, however, does not appear to have been essential.[1]

7. That the war should have been brought to a conclusion, and the province reduced to a state of peace, so as to permit of the army's being withdrawn, the presence of the victorious soldiers being considered indispensable in a triumph.

XVII. The senate claimed the exclusive right of deliberating upon all these points, and giving or withholding the honor sought,[2] and they, for the most part, exercised the privilege without question except in times of great political excitement. A disappointed general usually satisfied himself with going through the forms of a triumph on the Alban Mount, a practice first introduced by C. Papirius Maso.

XVIII. If the senate gave their consent, they at the same time voted a sum of money toward defraying the ordinary expenses, and one of the tribunes, *ex auctoritate senatus*, applied for a *plebiscitum* to permit the *imperator* to retain his *imperium* on the day when he entered the city.[3] This last form could not be dispensed with either in an ovation or a triumph, because the imperium conferred by the *Comitia Curiata* did not include the city itself, and when a general had once gone forth *paludatus*, his military power ceased as soon as he re-entered the gates, unless the general law had been previously suspended by a special enactment; and in this manner the resolution of the senate was, as it were, ratified by the plebs. For this reason, no one desiring a triumph ever entered the city until the question was decided, since by so doing he would *ipso facto* have forfeited all claim.

XIX. In later times these pageants were marshalled with extraordinary pomp and splendor, and presented a most gorgeous spectacle. Minute details would necessarily be different according to circumstances, but the general arrangements were as follows. The temples were all thrown open, garlands of flowers decorated every shrine and image, and incense smoked on every altar.[4] Meanwhile the imperator called an assembly of his soldiers, delivered an oration commending their valor, and concluded by distributing rewards to the most distinguished, and a sum of money to each individual, the amount depending on the value of the spoils. He then ascended his triumphal car, and advanced to the *Porta Triumphalis*, where he was met by the whole body of the senate headed by the magistrates. The procession then defiled in the following order:

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[1] *Duker, ad Liv.*, xxxi., 5.
[2] *Liv.*, iii., 63; *Polyb.*, vi., 13.
[3] *Liv.*, xlv., 35; xxvi., 21.
[4] *Plut., Æmil. Paul.*, 32; *Dion Cass.*, lxxiv., 1.

1. The senate, headed by the magistrates.[1] 2. A body of trumpeters. 3. A train of carriages and frames[2] laden with spoils, those articles which were especially remarkable either on account of their beauty or rarity being disposed in such a manner as to be seen distinctly by the crowd.[3] Boards were borne aloft on *fercula*, on which were painted, in large letters, the names of vanquished nations and countries. Here, too, models were exhibited, in ivory or wood,[4] of the cities and forts captured,[5] and pictures of the mountains, rivers, and other great natural features of the subjugated region, with appropriate inscriptions. Gold and silver in coin or bullion, arms, weapons, and horse furniture, statues, pictures, vases, and other works of art, precious stones, elaborately wrought and richly embroidered stuffs, and every object which could be regarded as curious or valuable.

4. A body of flute players. 5. The white bulls or oxen, from the banks of the Clitumnus, destined for sacrifice, with gilded horns, decorated with *infulæ* and *serta*, attended by the slaughtering officials with their implements, and followed by the Camilli (boys who assisted at the sacrifices) bearing in their hands *pateræ* and other holy vessels and instruments. 6. Elephants, or any other strange animals, natives of the conquered districts. 7. The arms and insignia of the leaders of the foe. 8. The leaders themselves, and such of their kindred as had been taken prisoners, followed by the whole band of inferior captives in fetters. 9. The *Coronæ* and other tributes of respect and gratitude bestowed on the imperator by allied kings and states. 10. The lictors of the imperator, in single file, their fasces wreathed with laurel.[6]

11. The imperator himself, in a circular chariot of a peculiar form,[7] drawn by four horses, which were sometimes, though rarely, white.[8] The circular form of the chariot is seen in the following cut, copied from an ancient marble.

The imperator was attired in a gold-embroidered robe (*toga picta*) and flowered tunic (*tunica palmata*): he bore in his right hand a laurel bough,[9] and in his left a sceptre:[10] his brows were encircled with a wreath of Delphic bay,[11] in addition to which, in ancient times, his body was painted bright red.[12] He was accompanied in his chariot by his children of tender years,[13] and sometimes by very

[1] *Dion Cass.*, li., 21.
[2] *Joseph.*, *B. J.*, vii., 24.
[3] *Suet.*, *Cæs.*, 37.
[4] *Quintil.*, vi., 3.
[5] *Plin.*, *H. N.*, v., 5.
[6] *Id. ib.*, v., 40.
[7] *Zonar.*, vii., 21.
[8] *Plut.*, *Camill.*, 7; *Dion Cass.*, xliii., 14.
[9] *Plut.*, *Æmil. Paul.*, 32.
[10] *Dionys.*, v., 47; *Val. Max.*, iv., 4, 5.
[11] *Plin.*, *H. N.*, xv., 38.
[12] *Id. ib.*, xxxiii., 36.
[13] *Liv.*, xlv., 40; *Tac.*, *Ann.*, ii., 41.

dear or highly-honored friends,[1] while behind him stood a public slave, holding over his head a golden Etruscan crown ornamented with jewels.[2] The presence of a slave in such a place, at such a time, seems to have been intended to avert *invidia*, and the influence of the evil eye, and, for the same purpose, a *fascinum*, a little bell, and a scourge were attached to the vehicle.[3] Tertullian[4] tells us that the slave ever and anon whispered into the ear of the imperator, *Respice post te, hominem memento te*, but this statement is not confirmed by any earlier writer.

12. Behind the chariot, or on the horses which drew it, rode the grown-up sons of the imperator, together with the legati, the tribuni,[5] and the equites, all on horseback. 13. The rear was brought up by the whole body of the infantry in marching order, their spears adorned with bay,[6] some shouting *Io Triumphe*,[7] and singing hymns to the gods, while others proclaimed the praises of their leader, or indulged in keen sarcasms and coarse ribaldry at his expense, for the most perfect freedom of speech was granted and exercised.[8]

XX. Just as the procession was ascending the Capitoline Hill, some of the hostile chiefs were led aside into the adjoining prison, and either put to death or left there to starve.[9] When it was announced that the captive or captives had thus been disposed of, the victims were then sacrificed, an offering from the spoils was presented to Jupiter, the bay wreath was deposited in the lap of the

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1 *Dion Cass.*, li., 16; lxiii., 20.
2 *Plin., H. N.*, xxxiii., 4; xxviii., 7.
3 *Plin., H. N.*, xxviii., 7; *Zonar.*, vii., 21.
4 *Apol.*, 33.
5 *Cic. in Pis.*, 25.
6 *Plin., H. N.*, xv., 40.
7 *Hor., Od.*, iv., 2, 49; *Tibull.*, ii., 6, 121.
8 *Liv.*, iv., 53; v., 49; *Dionys.*, vii., 72; *Suet., Cæs.*, 49.
9 *Cic. in Verr.*, v., 30; *Liv.*, xxvi., 13; *Joseph.*, vii., 24.

god,[1] the imperator was entertained at a public feast along with his friends in the temple, and returned home in the evening preceded by torches and pipes, and escorted by a crowd of citizens. It was the practice to invite the consuls to this banquet, and then to send a message requesting them not to come, in order, doubtless, that the *imperator* might be the most distinguished person in the company.[2] The whole of the proceedings, generally speaking, were brought to a close in one day; but when the quantity of plunder was very great, and the troops very numerous, a long period was required for the exhibition, and thus the triumph of Flaminius continued for three days in succession.

XXI. But the glories of the imperator did not end with the show, nor even with his life. It was customary (we know not if the practice was invariable) to provide him at the public expense with a site for a house, such mansions being styled *triumphales domus.*[3] After death his kindred were permitted to deposit his ashes within the walls, and bay-wreathed statues, standing erect in triumphal cars, displayed in the vestibulum of the family mansion, transmitted his fame to posterity.

After the extinction of freedom, the emperor being considered as the commander-in-chief of all the armies of the state, every military achievement was understood to be performed under his auspices, and hence, according to the forms of even the ancient constitution, he alone had a legitimate claim to a triumph. This principle was soon fully recognized and acted upon; for, although Antonius had granted triumphs to his legati,[4] and his example had been freely followed by Augustus[5] in the early part of his career, yet after the year B.C. 14[6] he entirely discontinued the practice, and from that time forward triumphs were rarely, if ever, conceded to any except members of the imperial family. But to compensate in some degree for what was then taken away, the custom was introduced of bestowing what were termed *Triumphalia Ornamenta,* that is, permission to receive the titles bestowed upon and to appear in public with the robes worn by the *Imperatores* of the commonwealth when they triumphed, and of bequeathing to their descendants triumphal statues. These *Triumphalia Ornamenta* are said to have been first bestowed upon Agrippa[7] or upon Tiberius, and ever after were a common mark of the favor of the prince.[8]

The last triumph ever celebrated was that of Belisarius, who entered Constantinople in a *quadriga,* according to the fashion of the olden time, after the recovery of Africa from the Vandals. The total number of triumphs upon record down to this period has been calculated as amounting to three hundred and fifty. Orosius[9] reckons three hundred and twenty

[1] *Senec., Consol. ad Helv.*, 10; *Plin., H. N.*, xv., 40.
[2] *Plut., Q. R.*, 77; *Val. Max.*, ii., 8, 6.
[3] *Plin., H. N.*, xxxvi., 24, 6.
[4] *Dion Cass.*, xlix., 42.
[5] *Suet., Octav.*, 38; *Dion Cass.*, liv., 11, 12.
[6] *Dion Cass.*, liv., 24.
[7] *Dion Cass., l. c.*
[8] *Tac., Ann.*, i., 72; ii., 52; iii., 72, &c.
[9] *Oros.*, vii., 9.

from Romulus to Vespasian, and Pitiscus[1] estimates the number from Vespasian to Belisarius at thirty.

A *Naval Triumph* appears to have differed in no respect from an ordinary triumph, except that it must have been upon a smaller scale, and would be characterized by the exhibition of beaks of ships and other nautical trophies. The earliest on record was granted to C. Duilius, who laid the foundation of the supremacy of Rome by sea in the first Punic war.[2]

AN OVATION.

XXII. The *Ovation* was a minor triumph, and derived its name from the circumstance of a sheep (*ovis*) being sacrificed. The features by which it was distinguished from the more imposing solemnity of the triumph were the following. The general did not enter the city in a chariot drawn by four horses, but on foot; he was not arrayed in the gorgeous gold-embroidered robe, but in the simple *toga prætexta* of a magistrate; his brows were encircled with a wreath, not of laurel, but of myrtle; he bore no sceptre in his hand; the procession was not heralded by trumpets, headed by the senate and thronged with victorious troops, but was enlivened by a crowd of flute-players, attended chiefly by knights and plebeians, frequently without soldiers; the ceremonies were concluded by the sacrifice, not of a bull, but, as already remarked, of a sheep.[3] In later times the victor entered upon horseback,[4] and the ovations celebrated by Octavianus, Drusus, Tiberius, &c., are usually recorded by Dion Cassius by a reference to this circumstance.[5]

XXIII. An ovation was granted when the advantage gained, although considerable, was not sufficient to constitute a legitimate claim to the higher distinction of a triumph; or when the victory had been achieved with little bloodshed; or when hostilities had not been regularly proclaimed; or when the war had not been completely terminated, which was one of the ostensible reasons for refusing a triumph to Marcellus on his return from Sicily;[6] or when the contest had been carried on against base and unworthy foes; and hence, when the servile bands of Athenion and Spartacus were destroyed by Perperna and Crassus, these leaders celebrated ovations only, although the latter, by a special resolution of the senate, was permitted to wear a laurel crown.

SPOLIA OPIMA.

XXIV. Of all spoils, the most important were the *Spolia Opima*,

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1 *Lex. Antiq., s. v. Triumphus.*
2 *Liv., Epit.*, xvii.; *Fast. Capit.*
3 *Plut., Marcell.*, 22; *Dionys.*, v., 47; *Gell.*, v., 6; *Liv.*, iii., 10, &c.
4 *Serv., ad Virg., Æn.*, iv., 543.
5 *Dion Cass.*, xlviii., 31; xlix., 15, &c.
6 *Liv.*, xxvi., 21.

a term applied to those only which the commander-in-chief of a Roman army stripped in a field of battle from the leader of the foe.[1] Plutarch[2] asserts that up to his time Roman history afforded but three examples of the *spolia opima* having been gained. The first were said to have been won by Romulus from Acron, king of the Cæninenses; the second by Aulus Cornelius Cossus from Lar Tolumnius, king of the Veientes; the third by M. Claudius Marcellus from Viridomarus (or Britomartus, as he is called by Plutarch), king of the Gæsatæ.

XXV. These spoils were offered to Jupiter Feretrius, and were hung up in his temple, which was said to have been built by Romulus, and was repaired by Augustus on the advice of Atticus. The honors of the *spolia opima* were voted to Julius Cæsar during his fifth consulship (B.C. 44, the year of his death), but it was not even pretended that he had any legitimate claim to this distinction.[3]

MILITARY PUNISHMENTS.

XXVI. Military punishments were of various kinds, either lighter or more severe. The lighter punishments, or such as were attended with inconvenience, loss, or disgrace, were chiefly the following:

1. Deprivation of pay in whole or in part[4] (*stipendio privari*), the punishment of those who were often absent from their standards. A soldier punished in this manner was called *ære dirutus*. 2. Forfeiture of their spears (*censio hastaria*). 3. Removal from their tents (*locum in quo tenderent mutare*),[5] sometimes to remain without the camp, and without tents,[6] or at a distance from winter quarters.[7] 4. To take their food standing (*cibum stantes capere*).[8] 5. To stand before the *Prætorium* in a loose jacket,[9] and the centurions without their girdle (*discincti*),[10] or to dig in that dress. 6. To get an allowance of barley instead of wheat (*hordeo pasci*).[11] 7. Degradation of rank (*gradus dejectio*); an exchange into an inferior corps, or less honorable service (*militiæ mutatio*). 8. To be removed from the camp (*a castris segregari*),[12] and employed in various works; an imposition of labor, or dismission with disgrace (*ignominiose mitti*, vel *Exauctoratio*). 9. Sometimes a whole legion was deprived of its name, as that called *Augusta*.[13]

XXVII. The more severe punishments were the following:

1. To be beaten with rods (*virgis cædi*) or with a vine sapling

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[1] *Liv.*, iv., 20. [2] *Marcell.*, 8. [3] *Dion Cass.*, xliv., 4. [4] *Liv.*, xl., 41.
[5] *Liv.*, xxv., 6. [6] *Id.*, x., 4. [7] *Id.*, xxvi., 1. [8] *Id.*, xxiv., 16.
[9] *Suet.*, *Aug.*, 24; *Val. Max.*, ii., 7, 9. [10] *Liv.*, xxvii., 13. [11] *Suet.*, *Aug.*, 24.
[12] *Veget.*, iii., 4. [13] *Dion Cass.*, liv., 11.

(*vite*).[1] 2. To be scourged and sold as a slave. 3. To be beaten to death with sticks. This punishment was called *Fustuarium*, and was inflicted for desertion, theft, perjury, &c. When a soldier was to suffer this punishment, the tribune first touched him lightly with a staff, on which signal all the soldiers of the legion fell upon him with sticks and stones, and generally killed him on the spot. If, however, he escaped, for he was allowed to fly, he could not return to his native country, nor did any of his relatives dare to receive him in their houses.[2] 4. To be overwhelmed with stones (*lapidibus cooperiri*), and beneath hurdles loaded with these (*sub crate necari*).[3] 5. To be beheaded (*securi percuti*),[4] and sometimes crucified, and to be left unburied. 6. To be stabbed by the swords of the soldiers, and under the emperors to be exposed to wild beasts, &c.

XXVIII. Punishments were inflicted by the legionary tribunes and the præfects of the allies, with their council; or by the general, from whom there was no appeal.[5] When a number had been guilty of the same crime, as in the case of a mutiny, every tenth man was chosen by lot for punishment, which was called *decimatio*;[6] or the most culpable were selected, and the remainder had barley allowed to them instead of wheat. Sometimes only the twentieth man was punished, which was called *vicesimatio*, or the one hundredth, *centesimatio*.[7]

Feb. 14. 1852

MILITARY PAY AND DISCHARGE.

XXIX. According to Livy, the practice of giving pay to the Roman soldiers was not introduced until B.C. 406, on the occasion of the taking of Tarracina or Anxur. This arrangement was probably accelerated by the prospect of the last war with Veii, and was made by the senate with the view of conciliating the plebs, who, without some such favor, would in their humor have refused to vote for the war. It has been supposed, however, by some, that they received pay before this time, but, since it was not paid regularly, its first institution was referred to this year.

XXX. In B.C. 403 a certain amount of pay was assigned to the knights also or *Equites*. This, however, had reference to the citizens who possessed an equestrian fortune, but had no horse (*equus publicus*) assigned to them by the state, for it had always been customary for the knights of the eighteen centuries to receive pay out of the common treasury, in the shape of an allowance for the purchase of a horse, and a yearly pension of two thousand asses for its keep.

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[1] *Val. Max.*, ii., 7, 4. [2] *Polyb.*, vi., 37. Compare *Liv.*, v., 6; *Cic.*, *Phil.*, iii., 6.
[3] *Liv.*, i., 51; iv., 50. [4] *Id.*, ii., 59; xxviii., 29. [5] *Polyb.*, vi., 35.
[6] *Liv.*, ii., 59; *Suet.*, *Aug.*, 24; *Galb.*, 12, &c. [7] *Capitol.*, *Macrin.*, 12.

XXXI. In the time of the republic, the daily pay of a legionary soldier amounted to two oboli, or three and one third asses; a centurion received double, and an eques or horseman triple. Polybius, from whom we derive this information, also states that foot soldiers likewise received in corn, every month, an allowance (*demensum*) of two thirds of an Attic medimnus, or about two bushels of wheat; the horsemen seven medimni of barley, and two of wheat. The infantry of the allies received the same allowance as the Roman: the horsemen one and one third medimni of wheat and one of barley. But there was this difference, that the allied forces received their allowance as a gratuity; the Roman soldiers, on the contrary, had deducted from their pay the money-value of whatever they received in corn, armor, or clothes.

XXXII. The pay was doubled for the legionaries by Julius Cæsar[1] before the civil war. He also gave them corn whenever he had the means, without any restrictions (*sine modo mensuraque*). Under Augustus[2] it appears to have been raised to ten asses a day (three times the original sum). It was still farther increased by Domitian. The prætorian cohorts received twice as much as the legionaries. The pay of the tribunes is not known, but it was considered very great, and probably was not less, after the time of Domitian, than forty-eight *aurei* per annum.

XXXIII. When the soldiers had served out their time, they were called *Emeriti*,[3] and obtained their discharge. This was called *Missio honesta* vel *justa*.[4] When a soldier was discharged for some defect, or for bad health, it was called *Missio causaria;* if, from favor of the general, he was discharged before the just time, *Missio gratiosa*;[5] if on account of some fault, *Missio ignominiosa*.[6]

XXXIV. Augustus, B.C. 13, introduced a new kind of discharge, by which the prætorians who had served twelve years, and the legionaries who had served sixteen, were entitled to an honorable discharge, and to receive a bounty. But not long afterward, A.D. 5, it was found necessary to increase the period to sixteen years for the prætorians, and twenty for the legionaries. At this time it appears probable that the practice was introduced of discharging the soldiers from the legion at the end of sixteen years, and keeping them together under a vexillum, with peculiar privileges during the remaining four years of their service.

XXXV. Veteran soldiers, who had served out their time, were, as already remarked, often induced again to enlist, and were then

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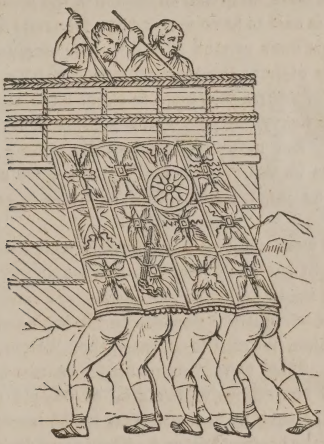
1 *Suet.*, *Cæs.*, 26.
2 *Id.*, *Aug.*, 49; *Tac.*, *Ann.*, i., 17.
3 *Lucan*, i., 344.
4 *Tac.*, *Hist.*, ii., 67.
5 *Liv.*, xliii., 14.
6 *Hirt.*, *Bell. Afr.*, 54.

called *Evocati*.[1] Dion Cassius tells us that Augustus began to employ troops bearing this denomination when he called out the veterans of Julius Cæsar to aid him against Antony.

METHOD OF ATTACKING AND DEFENDING TOWNS.

XXXVI. The Romans attacked (*oppugnabant*) places either by a sudden assault, or, if that failed, they tried to reduce them by a blockade.[2]

XXXVII. They first surrounded a town with their troops (*corona cingebant*),[3] and by their missiles endeavored to clear the walls of defenders.[4] Then joining their shields in the form of a *testudo*,[5] or tortoise, to secure themselves from the darts of the enemy, they came up to the gates (*succedere portis*), and tried either to undermine the walls or to scale them.[6] The following cut will serve to explain this movement.



XXXVIII. When a place could not be taken by storm, it was invested. Two lines of fortifications or intrenchments were drawn around the place, at some distance from one another, called the lines of contravallation and circumvallation, the latter against the sallies of the townsmen, the former against attacks from without. These lines were composed of a ditch and a rampart, strengthened

1 *Dion Cass.*, xlv., 12.
2 *Cæs.*, *B. G.*, vii., 36.
3 *Liv.*, vii., 27; xxiii., 44.
4 *Id.*, xxi., 11.
5 *Id.*, xliv., 9; *Dion Cass.*, xlix., 30.
6 *Liv.*, x., 43; xxvi., 45.

with a parapet (*lorica*) and battlements (*pinnæ*), and sometimes a solid wall of considerable height and thickness, and flanked with towers or forts at proper distances round the whole.

XXXIX. Between these lines was disposed the army of the besiegers, who were thus said *urbem obsidione claudere* vel *cingere*, to invest. From the inner line was raised a mound (*agger*) composed of earth, wood, hurdles, and stone, which was gradually advanced (*promovebatur*) toward the town, always increasing in height till it equalled or overtopped the walls. The mound which Cæsar raised against *Avaricum* was three hundred and thirty feet broad and eighty feet high.[1]

XL. The *Agger* was secured by towers, consisting of different stories (*turres contabulatæ*), from which showers of darts and stones were discharged on the townsmen by means of engines. These engines were placed in the different stories of the towers, while slingers and archers were stationed on the top of the structure. Of such towers, Cæsar is said to have erected one thousand five hundred and sixty-one on his lines around Alesia.[2] The engines placed in the different stories of these towers were called *Balistæ*, *Catapultæ*, and *Scorpiones*. The *balista* was used to shoot large stones;[3] the *catapulta* to project heavy darts.[4] The *scorpiones* were probably a kind of cross-bow.[5] But neither from the descriptions of authors, nor from the figures on the column of Trajan, are we able to form any exact idea of the construction of any of the engines that have just been named.

XLI. There were also movable towers, which were pushed forward and brought back on wheels fixed below on the inside.[6] They were generally made of beams and planks, and covered, at least on the three sides which were exposed to the besieged, with iron, not only for protection, but also to increase their weight, and thus make them steadier. They were also covered with raw hides, and quilts moistened, and sometimes with alum,[7] to protect them from fire. Their height was such as to overtop the walls, towers, and all other fortifications of the besieged place.[8] They were divided into stories, like the fixed towers, and in these stories military engines were in like manner placed. In the middle stories one or more bridges were constructed, made of beams and planks, and protected at the sides by hurdles. Scaling ladders were also carried in the towers, and

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1 *Cæs., B. G.*, vii., 23.
2 *Id.*, vii., 72.
3 *Ovid, Trist.*, i., 2, 48; *Lucan*, vi., 198.
4 *Festus, s. v. Trifax.*
5 *Rich, Companion to Dict. and Lex.*, p. 586.
6 *Cæs., B. G.*, ii., 31; v., 42; vii., 24.
7 *Amm. Marcell.*, xx.; *Claud. Quadrig. ap. Lips.*, p. 300.
8 *Liv.*, xxi., 11.

when the missiles had cleared the walls, these bridges and ladders enabled the besiegers to rush upon them.

XLII. In the lowest story was the *Aries*, or battering ram, the most formidable instrument of all. It consisted of a long beam, often from one hundred to one hundred and twenty feet in length, made of the trunk of a tree, especially of a fir or an ash. To one end was fastened a mass of bronze or iron, which resembled in its form the head of a ram. The upper figure in the annexed cut shows the *aries* in its simplest state, and as it was borne and impelled by human hands, without other assistance. In an improved form, the ram was surrounded with iron bands, to which rings were attached for the purpose of suspending it by ropes or chains from a beam fixed transversely over it. See the lower figure in the wood-cut. By this contrivance the soldiers were relieved from the necessity of supporting the weight of the ram, and they could with ease give it a rapid and forcible motion backward and forward.

XLIII. The ram was also worked out of the towers, and for this purpose was covered with sheds or mantlets called *Vineæ* and *Testudines*. The *Vinea*[1] was a roof, resting on posts eight feet in height. The roof itself was generally sixteen feet long and seven broad. The wooden frame was in most cases light, so that it could be carried by the soldiers; sometimes, however, when the purpose which it was to serve required great strength, it was heavy, and then the whole fabric probably was moved by wheels attached to the posts. The roof was formed of planks and wicker work, and the uppermost layers consisted of raw hides or wet cloth as a pro-

[1] *Veget.*, iv., 15.

tection against fire.[1] Under these *vineæ* the soldiers either worked the battering ram, or commenced undermining. The *testudo* was somewhat similar to the *vinea*, being a structure roofed over and moving upon wheels, under which the besiegers carried on their operations in making a breach, undermining,[2] &c. When the battering ram was placed under the *testudo*, it was called *testudo arietaria*.[3]

XLIV. The besieged, on their part, employed various expedients for defence. They endeavored by mines[4] to frustrate those of the enemy, or to overthrow their works. They withdrew the earth from the mound, or destroyed the works by fire from beneath, in the same manner as the besiegers overturned the walls.[5] When they apprehended a breach would be made, they reared new walls behind, with a deep ditch before them. They employed also various methods to weaken or elude the force of the ram, and to defend themselves against the engines and missiles of the invaders.

XLV. When the Romans besieged a place, and thought themselves sure of taking it, they used solemnly (*certo carmine*) to call out (*evocare*) the gods, under whose protection the place was supposed to be.[6] For this reason the Romans are said to have kept secret the true or Latin name of their city.[7]

Feb. 16. 1852.

CHAPTER XXVI.

NAVAL AFFAIRS OF THE ROMANS.

EARLIER STAGES OF THE ROMAN MARINE.—FIRST REGULAR FLEET.—FIRST NAVAL VICTORY.—NAVES TURRITÆ, LONGÆ, ONERARIÆ, &C.—PRINCIPAL PARTS OF A VESSEL.—CREWS.—NAVAL STATIONS.—NAVAL OFFICERS.—HARBORS.—NAVAL ENGAGEMENTS.

I. The Romans, in the earlier period of their history, never conceived the idea of increasing their power by the formation of a fleet. The time when they first appear to have become aware of the importance of a fleet was during the second Samnite war, in the year B.C. 311.[8] The idea of founding a navy was probably connected with the establishment of a colony in the Pontian islands, off the coast of Latium, as the Romans at this time must have felt that they ought not to be defenceless at sea.

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[1] *Liv.*, ii., 7; v., 7; xxi., 61.
[2] *Cæs.*, *B. G.*, v., 42; *Id.*, *B. C.*, ii., 2.
[3] *Vitruv.*, x., 19.
[4] *Cæs.*, *B. G.*, iii., 21; vii., 22.
[5] *Id. ib.*; *Joseph.*, *B. J.*, iii., 12.
[6] *Liv.*, v., 21.
[7] *Plin.*, *H. N.*, iii., 5, 9; xxviii., 2, 4; *Macrob.*, *Sat.*, iii., 9.
[8] *Liv.*, ix., 30.

II. This fleet, however insignificant it may have been, continued to be kept up until the time when Rome became a real maritime power. This was the time of the first Punic war. The ships built before this latter period were triremes, or vessels of three banks of oars, which were very common among the Greeks of Italy, and most of them, it is thought, were furnished by the Italian towns subject to Rome.

III. In the year B.C. 260, when the Romans saw that without a powerful navy they could not carry on the war against Carthage with any advantage, the senate ordained that a new fleet should be built. Triremes would now have been of no avail against the high-bulwarked vessels (*quinqueremes*) of the Carthaginians. But the Romans would have been unable to build others, had not, fortunately, a Carthaginian quinquereme been wrecked on the coast of Bruttium, and fallen into their hands.[1]

IV. This wreck the Romans took as their model, and built after it one hundred and twenty, or, according to others, one hundred and thirty ships. This large fleet was completed within sixty days after the trees had been cut down.[2] The ships, built of green timber in this hurried manner, were very clumsily made, and not likely to last for any time; and the Romans themselves, for want of practice in naval affairs, proved very unsuccessful in their first maritime undertaking, for seventeen ships were taken and destroyed by the Carthaginians off Messana.[3]

V. C. Duilius, who perceived the disadvantage with which his countrymen had to struggle at sea, devised a plan which enabled them to change a sea-fight, as it were, into a fight on land. The machine by which this was effected was afterward called *corvus*, and is described by Polybius.[4] It appears to have been a combination of grappling iron and drawbridge. From this time forward the Romans continued to keep up a powerful navy. Toward the end of the republic they also increased the size of their ships, and built war vessels of from six to ten ordines of rowers.[5]

VI. The construction of the Roman ships scarcely differed from that of the Greeks. The only great difference was, that the Roman galleys were provided with a greater variety of destructive engines of war than those of the Greeks. They even erected *turres* and *tabulata* or stories upon the decks of their great men-of-war (*naves turritæ*), and fought upon them in the same manner as if they were standing upon the walls of a fortress.

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1 *Polyb.*, i., 20.
2 *Plin.*, *H. N.*, xvi., 74.
3 *Polyb.*, i., 21; *Polyæn. Strat.*, vi., 16; *Oros.*, iv., 7.
4 *Polyb.*, i., 22.
5 *Florus*, iv., 11; *Virg.*, *Æn.*, viii., 691.

VII. Ships of war were called *Naves Longæ*, because they were of a longer shape than ships of burden (*naves onerariæ*), which were more round and deep.[1] The ships of war were impelled chiefly by oars, the ships of burden by sails;[2] and as these last were heavier (*graviores*) and sailed more slowly, they were sometimes towed (*remulco tractæ*) after the war ships.[3]

VIII. The ships of war were also named from their rows or ranks of oars (*ab ordinibus remorum*). Those which had two rows or tiers were called *birēmes*; three, *trirēmes*; four, *quadriremes*; five, *quinquerēmes*. Vessels of six or seven banks of oars were called by a Greek name, *hexēres*, *heptēres*, and above them by a circumlocution, *naves octo*, *novem*, *decem ordinum*.[4] Thus Livy calls a ship of sixteen rows *navis ingentis magnitudinis*, *quam sexdecim versus remorum agebant*.[5] Antony's vessels at Actium were also remarkable for their size, but this proved the main cause of his losing the victory, the vessels of Augustus being the light Liburnian galleys.

IX. There are various opinions about the manner in which the rowers sat. The one most generally received is, that they were placed above one another in different stages or benches (*in transtris* vel *jugis*) along the sides of the ship, not in a perpendicular line, but in the form of a *quincunx*, as follows:

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The oars of the lowest bench were comparatively short, and those of the other benches increased in length in proportion to their height above the water. The opinion here stated appears to be confirmed by several passages of the classics, and by the representations which remain of ancient galleys, particularly that on Trajan's column at Rome. It is attended, however, with many serious difficulties.

X. There were three different classes of rowers, whom the Greeks called *Thranītæ* (ϑρανῖται[6]), *Zygītæ* (ζυγῖται[7]), and *Thalamītæ* (ϑαλαμῖται[8]). The first occupied the highest benches, the second the middle benches, and the third the lowest ones. The *Thranitæ* had the longest oars, and consequently the heaviest work, and received the highest wages. The *Thalamitæ* had the shortest oars and easiest work, and received the smallest pay. The rowers sat upon little benches attached to the ribs of the vessels, and called in Latin *fori*

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[1] *Isidor.*, xix., 1; *Cæs.*, *B. G.*, iv., 20; v., 7.
[2] *Cæs.*, *B. G.*, iv., 25; *Cic.*, *Ep. ad Fam.*, xii., 15.
[3] *Liv.*, xxxii., 16.
[4] *Flor.*, iv., 11.
[5] *Liv.*, xlv., 34.
[6] *Thucyd.*, vi., 31.
[7] *Pollux*, i., 9.
[8] *Schol. ad Aristoph.*, *Acharn.*, 1106.

and *transtra*. The rowers' seats did not extend across the vessel, as some have supposed.[1]

XI. Ships contrived for lightness and expedition (*naves actuariæ*) had but one row of oars on each side,[2] or, at most, two.[3] They were of different kinds, and called by various names, such as *Celoces*, *Lembi*, *Phaseli*, &c. But the most remarkable of these were the *naves Liburnæ*,[4] a kind of light galleys used by the *Liburni*, a people of Illyricum addicted to piracy. To ships of this kind, as already remarked, Augustus was, in a great measure, indebted for his victory over Antony at Actium.[5] Hence, after that time, the name of *naves Liburnæ* was given to all light, quick-sailing vessels.

XII. Merchantmen of the larger size were called *Corbitæ*,[6] because they hung out a *corbis*, or basket, at the mast-head for a sign. They were also called *Onerariæ*. They were noted for their heavy build and sluggish sailing, and carried passengers as well as merchandise, answering to the large *felucca* of the present day.

PRINCIPAL PARTS OF THE VESSEL.

XIII. We will now proceed to describe the principal parts of Roman vessels:

1. The *Prow* (*Prora*) was generally ornamented on both sides with figures, which were either painted upon the sides or laid in. It seems to have been very common to represent an eye on each side of the prow.[7] Upon the prow or fore deck there was always some emblem (*parasēmon*), by which the ship was distinguished from others. Just below the prow, and projecting a little above the keel, was the *rostrum*, or beak, which consisted of a beam, to which were attached sharp and pointed irons, or the head of a ram, or the like. It was used for the purpose of attacking another vessel, and of breaking its sides.[8] These beaks were at first always above the water, and visible; afterward they were attached lower, so that they were invisible, and thus became still more dangerous to other ships.[9] The upper part of the prow was frequently made in the form of a swan or goose's neck, and hence called *cheniscus* (χηνίσκος), and to the extreme part of the prow, whatever it might be, the general name of *acrostolion* was given. The command in the prow of a vessel was exercised by an officer next in rank to the steersman, who had the care of the gear, and the command over the row-

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1 *Böckh, Urkund.*, p. 103, *seqq.* 2 *Tac., Hist.*, v., 23. 3 *Cæs., B. G.*, v., 1.
4 *Horat., Epod.*, i., 1; *Tac., Agric.*, 28; *Id., Ann.*, xvi., 14.
5 *Dion Cass.*, i., 29, 32. 6 *Festus, s. v.*; *Cic., ad Att.*, xvi., 6.
7 *Böckh, Urkund.*, p. 102; *Becker, Charicles*, vol. ii., p. 60.
8 *Æschyl., Pers.*, 414. 9 *Diodor.*, xi., 27, xiv., 60; *Polyb.*, i., 26; xvi., 5.

ers. The following cuts will give some idea of the form and position of the *rostra*.

2. The *Stern* or *Poop* (*Puppis*) was generally higher than the other parts of the deck, and in it the helmsman had his elevated seat. The stern was, like the prow, adorned in various ways, but especially with the image of the tutelary deity of the vessel. Hence this part of the ship was sometimes called *tutēla* or *cautēla*, and was held sacred by the mariners. It frequently terminated with an ornament of wooden planks called *aplustre*, in Greek ἄφλαστον. At the end of the stern was frequently erected a staff or pole, to which a streamer or ribands (*fascia* or *tænia*) were attached.

3. The *bulwark* of the vessel, or, rather, the uppermost part of it, was called in Greek τράφηξ. In small boats the pegs (*scalmi*) between which the oars move, and to which they are fastened by a thong, were upon the τράφηξ.[1] In all other vessels the oars passed through holes in the sides of the vessel.

4. The *middle part* of the deck in most ships of war appears to have been raised above the bulwark, or, at least, to a level with its

[1] *Böckh, Urkund.*, p. 103.

upper edge, and thus enabled the soldiers to occupy a position from which they could see far around, and hurl their darts against the enemy.

XIV. The gear of a vessel was divided into *wooden* and *hanging* gear, of each of which we will now proceed to make mention:

1. WOODEN GEAR.

1. *Oars* (*Remi*). The oars varied in size, according as they were used by a lower or higher *ordo* of rowers, and they derived their special names from the name of the *ordo* by which they were used. In a Roman quinquereme, during the first Punic war, the average number of rowers was three hundred:[1] in later times we find as many as four hundred.[2] The lower part of the holes through which the oars passed appears to have been covered with leather, which also extended a little way outside the hole.

2. The *Rudder* (*Gubernaculum*). Before the invention of the rudder, vessels must have been propelled and guided by the oars alone. This circumstance may account for the form of the ancient rudder, as well as for the mode of using it. It was like an oar with a very broad blade, and was commonly placed on each side of the stern, not at its extremity. The annexed wood-cuts will give some idea of its form. In the first, a Triton, blowing on the *buccina*, holds a rudder on his shoulder; in the second, the rudder is crossed by the cornucopia; in the third, Venus leans with her left arm on a rudder, to indicate her origin from the sea.

A ship had sometimes one, but more commonly two rudders.[3] In larger vessels, the two rudders were joined by a pole, which was

[1] *Polyb.*, i., 26. [2] *Plin.*, *H. N.*, xxxii., 1.
[3] *Ælian*, *V. H.*, ix., 40; *Heliod.*, *Æthiop.*, v., p. 241, *ed. Comm.*

moved by the *gubernator* or helmsman, and kept the rudders parallel. The famous ship of Ptolemy Philadelphus had four rudders, each thirty cubits in length.

3. *Ladders* (*Scalæ*). Each trireme had two wooden ladders, called in Greek κλιμακίδες.

4. *Poles*, or punt poles (*Conti*). Three of these belonged to every trireme, which were of different lengths, and were accordingly distinguished as *contus magnus*, *contus parvus*, and *contus medius*. When in shallow water, the sailors thrust the poles into the ground, and thus pushed on the vessel. They also served as a means for sounding the depth of the water.

5. The *Mast* (*Mālus*). The ancients had vessels with one, two, or three masts. In three-masted vessels, the largest mast was nearest the stern. The masts as well as the yards were usually of fir.[1] The part of the mast immediately above the yard (*antenna*) formed a structure similar to a drinking cup, and bore the name of *carchesium* (καρχήσιον). Into it the mariners ascended in order to manage the sail, to obtain a distant view, or to discharge missiles.[2] The other tackle may have been fastened to its lateral projections, which corresponded to the handles of a cup. Breastworks were also fixed to the *carchesia*, so as to supply the place of defensive armor; and pulleys for hoisting up stones and weapons from below. The continuation of the mast above the *carchesium* was called the "distaff" (*colus*), corresponding to our top-mast or top-gallant-mast. The *carchesium* was sometimes made to turn upon its axis, so that, by means of its apparatus of pulleys, it served the purpose of a crane.[3]

6. The *Yards* (*Antennæ*). The main yard was fastened to the

[1] *Plin., H. N.*, xvi., 76.
[2] *Eurip., Hecub.*, 1237; *Schol. ad l. c.*
[3] *Vitruv.*, x., 2, 10; *Schneider, ad loc.*

top of the mast by ropes (*funes*), which passed over the top of the mast, and were fastened to the extremities of the yard. These extremities were called *cornua*, and the ropes themselves were termed *ceruchi*. Sometimes the yard had two, and at other times four *ceruchi*, as in the preceding cut.

To the main yard was attached the main-sail, which was hoisted or let down as the occasion might require. For this purpose a wooden hoop was made to slide up and down the mast. In the left-hand one of the two following cuts, taken from ancient gems, we see the *antenna* with the sail reefed, while in the other the sail is expanded and swollen by the wind.

2. HANGING GEAR.

1. *Hypozomăta* (ὑποζώματα), were thick and broad ropes, which ran in a horizontal direction around the ship from the stern to the prow, and were intended to keep the whole fabric together. They ran round the vessel in several circles, and at certain distances from one another. The Latin name for ὑπόζωμα is *tormentum*.[1] The length of these *tormenta* varied accordingly as they ran around the higher or the lower part of the ship, the latter being naturally shorter than the former. Their number varied according to the size of the ship. Sometimes they were taken on board when a vessel sailed, and not put on till it was thought necessary. A trireme required four of them.[2] It is erroneous to suppose, as some do,[3] that the *hypozomata* were not passed lengthways, but under the bottom of the vessel.

2. The *Sail* (*Velum*). Most ancient ships had only one sail, which was attached with the yard to the great mast. In a trireme, too, one sail might be sufficient; as, however, each of the two masts of a trireme had two sail-yards, it follows that each mast might have two sails, one of which was placed lower than the other. The sails of the Attic war-galleys, and of most ancient ships, were of a square form, as is seen in numerous representations on works of art. The

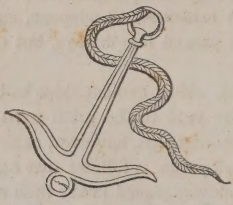
[1] *Isidor., Orig.*, xix., 4, 4.
[2] *Böckh, Urkund.*, p. 133, *seqq.*
[3] *Smith. Voyage and Shipwreck of St. Paul*, p. 175, *seqq.*

Romans, however, also used triangular sails, which they called *suppara*, and which had the shape of an inverted Greek Δ (∇), the upper side of which was attached to the yard. Such a sail had, of course, only one sheet, or *pes*, at its lower extremity.[1] It was also sometimes used as a top-sail, over the *velum* or main-sail. According to the scholiast on Lucan, it was less in size than the ordinary *velum*.[2]

3. *Cordage.* There appear to have been two distinct classes of ropes. The *funes* are the strong ropes, to which the anchors were attached, and by which a ship was fastened to the land; while the *rudentes* and *restes* were a lighter kind of ropes, and made with greater care, which were attached to the masts, yards, and sails. The *pedes* were the ropes attached to the two lower corners of a square sail, and answer to our sheets. They ran from the ends of the sail to the sides of the vessel toward the stern, where they were fastened with rings attached to the outer side of the bulwark.[3] The *propes*[4] appears to have been the lower and thinner end of the *pes*, which was fastened to the ring. The *opifera* were the two ropes attached to the two ends of the sail-yard, and which came down thence to a part of the ship near the stern. Their object was to move the yards according to the wind. The Greek name is ὑπέραι, and the Latin term is thought to be a mere corruption of *hypera*.[5]

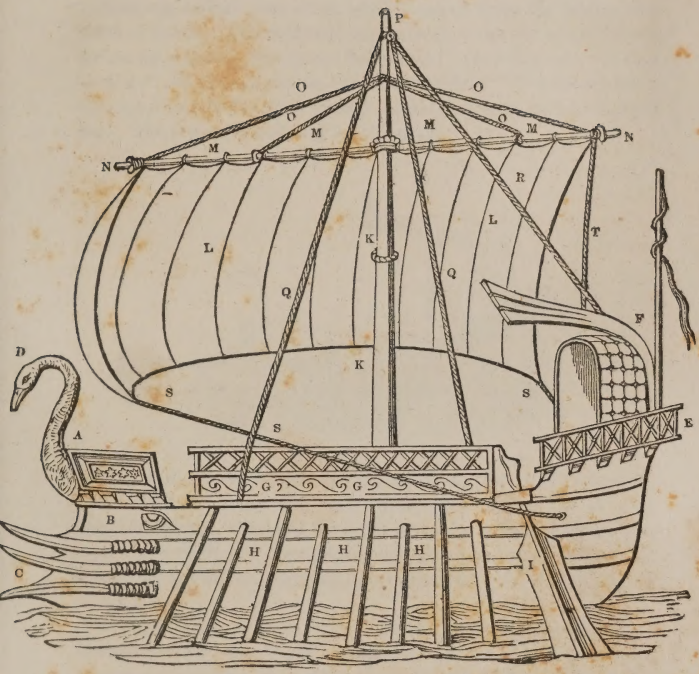
4. The stronger and heavier kinds of ropes were of two sorts, namely, those to which the anchor was attached, and those by which the ship was fastened to the land or drawn up on the shore. Four ropes of each of these kinds is the highest number that is mentioned as belonging to one ship. These thick ropes were made of several thinner ones.[6]

5. The *Anchor* (*Ancora*). Anchors were generally made of iron, and their form, as may be seen from the annexed figure, taken from a coin, resembled that of a modern anchor.



[1] *Schol. ad Lucan., Pharsal.*, v., 429; *Isidor., Orig.*, xix., 3, 4; *Böckh, Urkund.*, p. 138, *seqq.* [2] *Schol. ad Lucan., l. c.* [3] *Herod.*, ii., 36.
[4] *Isidor., Orig.*, xix., 4, 3. [5] *Id. ib.*, xix., 4, 6.
[6] *Aristoph., Pax*, 36; *Varro, R. R.*, i., 135; *Böckh*, p. 161, *seqq.*

[To face page 273.



EXPLANATION.

A. *Prora.*
B. *Oculus.*
C. *Rostrum.*
D. *Cheniscus.*
E. *Puppis.*
F. *Aplustre*, with the pole containing the *fascia* or *tænia.*
G. Τράφηξ.
H. *Remi.*
I. *Gubernaculum.*
K. *Malus.*
L. *Velum.*
M. *Antenna.*
N. *Cornua.*
O. *Ceruchi.*
P. *Carchesium.*
Q. Κάλοι, καλῴδια.
R. Πρότονος.
S. *Pedes.*
T. *Opifera.*

Such an anchor was often termed *bidens*, from its having two teeth or flukes. The technical expressions in the use of the anchor are *ancoram solvere*, "to loosen the anchor;" *ancoram jacere*, "to cast anchor;" and *ancoram tollere*, "to weigh anchor." The cable passed through a hole in the prow termed *oculus*, as is seen in the following cut. The anchor usually lay on the deck.

Each ship, of course, had several anchors; the one in which St. Paul sailed had four,[1] and others had eight.[2] The last or most powerful anchor, "the last hope," was called *sacra*, and hence persons trying their last hope were said *sacram solvere*. To indicate where the anchor lay, a bundle of cork floated over it on the surface of the water.[3]

The preceding account of the different parts of the ship will be rendered still clearer by the opposite cut, in which it is attempted to give a restoration of an ancient vessel, although, as will be perceived, some parts suit better the idea of a Grecian than a Roman ship.

XIV. Freedmen and slaves were employed as seamen and rowers. The marines, as we might term them, or they who were stationed on the decks to fight, were called in the time of the republic *Socii Navales*,[4] and under the empire *Classici*. They were always regarded as inferior to regular soldiers, and the *Navales Socii* were recruited, according to Polybius, from those persons whose fortune did not entitle them to enlist in the legions. After the establishment, however, by Augustus, of a regular permanent fleet at Misenum, Ravenna, and on the coast of Gaul, a large body of men must have been required to man them, who, when their services were not required afloat, were called upon, at least in great emer-

[1] *Acts*, xxvii., 29.
[2] *Athen.*, v., 43.
[3] *Pausan.*, viii., 12; *Plin.*, *H. N.*, xvi., 8.
[4] *Liv.*, xxi., 49, 50; xxii., 11.

gencies, to serve as ordinary soldiers. The term *epibatæ*[1] is also sometimes applied by the Roman writers to the marines, in imitation of the Greek ἐπιβάται. Sometimes, also, the appellation of *classiarii*[2] is applied even to the rowers and sailors.

XV. The admiral of the whole fleet was called *Dux Præfectusque classis*,[3] and his ship *Navis Prætoria*,[4] which in the night time had, as a means of distinguishing it (*signum nocturnum*), three lights.[5] The commanders of individual ships were called *Navarchi*,[6] or *Magistri navium*.[7] On the other hand, the master or proprietor of a trading vessel was termed *Nauclērus*,[8] or *Naviculator*, and also *Navicularius*.[9] When the master did not go to sea himself, but employed another to navigate his ship, he was said *Navicularium* (scil. *rem*) *facere*.[10]

XVI. The person who steered the ship and directed its course was called *Gubernator*, the pilot or helmsman. He gave the necessary orders about spreading and contracting the sails, plying or checking the oars, &c. It was an important part of his duty to know the signs of the weather, to be acquainted with ports and places, and particularly to observe the winds and the stars;[11] for, as the compass was unknown to the ancients, they were directed in their voyages, during the night, by the stars. In the day time they kept near to the coast. In some ships there were two pilots, who had an assistant called *Proreta*, who watched at the prow.[12]

XVII. The officer who had command over the rowers was called *Pausarius*[13] or *Hortator*, and sometimes *Portisculus*.[14] This last, however, was more properly the name of the staff or mallet, with which he gave the signal to the rowers in order that they might keep time in rowing, and with which he excited or retarded them.[15] He employed also for this purpose his voice in a musical tone.[16]

XVIII. Before the fleet set sail, a solemn lustration was performed, prayers were made, and victims offered.[17] The auspices also were consulted,[18] and if any unlucky omen happened, as a person sneezing on the left, or swallows alighting on the ships, &c.,

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1 *Hirt., de Bell. Afric.*, 63, &c.
2 *Tac., Ann.*, xii., 56, &c.
3 *Cic., Verr.*, v., 34.
4 *Liv.*, xxix., 25.
5 *Id. ib.*
6 *Cic., Verr.*, iii., 80.
7 *Liv.*, xxix., 25.
8 *Plaut., Mil.*, iv., 3, 16.
9 *Cic., Ep. ad Fam.*, xvi., 9; *ad Att.*, ix., 3, &c.
10 *Cic., Verr.*, v., 18.
11 *Ovid, Met.*, iii., 592; *Lucan.*, viii., 172, &c.
12 *Plaut., Rud.*, iv., 3, 75; *Ovid, Met.*, iii., 617.
13 *Plaut., Merc.*, iv., 2, 4; *Senec., Epist.*, 56.
14 *Plaut., Asin.*, iii., 1, 15.
15 *Plaut., l. c.*; *Isid., Orig.*, xix., 12.
16 *Serv., ad Virg., Æn.*, iii., 128; *Sil. Ital.*, v., 360.
17 *Liv.*, xxix., 27; xxxvi., 42; *Appian, Bell. Civ.*, v., 20.
18 *Hor., Epod.*, x., 1, 16.

the sailing was suspended. The seamen, when they set sail, and likewise when they reached their harbor, especially the latter, decked the stern with garlands.

XIX. There was great labor in launching (*in deducendo*) the ships, for as the ancients seldom sailed in winter, their ships during that time were drawn up (*subductæ*)[1] on land, as they were generally, also, at the end of a voyage, and stood there supported by props. They were drawn to sea again by ropes and levers, with rollers placed below (*cylindris lignisque teretibus et rotundis subjectis*), called *palangæ* or *phalangæ*,[2] and which were any long cylindrical pieces of wood, such as trunks of trees,[3] &c.

XX. The signal for embarking was given with the trumpet.[4] They generally embarked in a certain order, the seamen first, and then the soldiers.[5] They also frequently sailed in a certain order, the light vessels usually foremost, then the ships of war, and after them the ships of burden. When they reached the shore and landed the troops, prayers and sacrifices were again made.[6] If the country was hostile, and there was no proper harbor, they made a naval camp, and drew up their ships on land. They did so especially if they were to winter there; but if they were to remain only for a short time, the fleet was anchored not far from the land.

XXI. Among the honors bestowed on those who had achieved any naval exploit, the highest was the *Corona Navalis* or *Rostrata*, called also *Classica*.[7] It is difficult to determine whether these were two distinct crowns, or only two denominations for the same one. Virgil[8] unites both terms in one sentence, but it seems probable that the former (*corona navalis*) was inferior in dignity to the latter (*corona rostrata*), and given to the sailor who first boarded an enemy's ship;[9] whereas the latter was given to a commander who destroyed the whole fleet, or gained any very signal naval victory. Agrippa is said to have been the first one who received the honor of a naval crown, which was conferred upon him on his conquest of Sextus Pompeius, in B.C. 36; though, according to other authorities, M. Varro was the first who obtained it, having received it from Pompey.[10] At all events, both these crowns were made of gold; and one at least, the *rostrata*, was decorated with the beaks (*rostra*) of ships,[11] as seen in a medal of Agrippa. The other, the *navalis*, had

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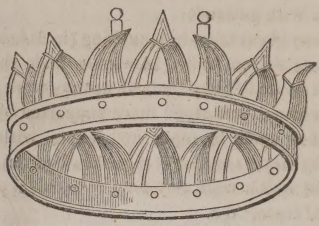
1 *Hor.*, *Od.*, i., 4, 2; *Virg.*, *Æn.*, i., 555.
2 *Cæs.*, *B. C.*, iii., 34.
3 *Herod.*, iii., 97; *Plin.*, *H. N.*, xii., 4, 8; vii., 56, 57.
4 *Lucan*, ii., 690.
5 *Liv.*, xxix., 25; xxii., 16.
6 *Id.*, xxxvii., 14, 47.
7 *Vell. Paterc.*, ii., 81.
8 *Æn.*, viii., 684.
9 *Plin.*, *H. N.*, xvi., 3.
10 Compare *Vell. Paterc.*, *l. c.*; *Liv.*, *Epit.*, 129; *Dion Cass.*, xlix., 14.
11 *Plin.*, *H. N.*, xvi., 4.

as ornaments representations of the entire bow, as shown in the subjoined wood-cut.



XXII. Augustus stationed a fleet on the lower or Tuscan Sea, at Misenum, where Agrippa constructed the famous Julian harbor (*Portus Julius*) by joining the Lucrine and Avernian lakes to the Bay of Baiæ, or, as it was otherwise called, the *Lacus Tyrrhenus*. Another naval station was formed by the same emperor on the Hadriatic, at Ravenna. There were stations also in other parts of the empire, and also on rivers, as the Rhine and Danube.

XXIII. Harbors (*Portus*) were very strongly fortified, especially at the entrance. The two sides, or piers, were called *Cornua*[1] or *Brachia*,[2] and on the extremities of these were erected bulwarks and towers. There was usually also a watch-tower (*Pharos*), with lights to direct the course of ships in the night time, as at Alexandrea in Egypt,[3] at Ostia, Ravenna, Capreæ, Brundisium, and other places. A chain sometimes was drawn across as a barrier.

XXIV. Fleets about to engage were arranged in a manner similar to armies on land. Certain ships were placed in the centre (*media acies*), others on the right wing (*dextrum cornu*), and others on the left; some as a reserve (*subsidio, naves subsidiariæ*). The most frequent arrangement was that of a semicircle or half moon. A red flag was displayed from the admiral's galley as the signal for engaging.

XXV. The combatants endeavored to disable or sink the ships of the enemy by sweeping off (*detergendo*) the oars, or by striking them with their beaks, chiefly on the sides.[4] They grappled with them by means of certain machines called *Corvi* (page 265), and also by iron hands or hooks (*ferreæ manus*),[5] drags or grappling irons (*harpagones*), &c., and fought as on land.[6] They sometimes also employed fire-ships, or threw fire-brands, and pots full of coals and sulphur,

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[1] *Cic., Ep. ad Att.*, ix., 14; *Lucan*, ii., 615.
[2] *Plin., Ep.*, vi., 31; *Suet., Claud.*, 20.
[3] *Cæs., B. C.*, iii., *ult.*; *Plin., H. N.*, xxxvi., 12.
[4] *Dion Cass.*, i., 29.
[5] *Lucan.* iii., 635.
[6] *Flor.*, ii., 2; *Liv.*, xxvi., 39.

with various other combustibles, which were so successfully employed by Augustus at the battle of Actium that most of Antony's fleet was thereby destroyed.[1] In sieges they joined vessels together, and erected on them various formidable engines. The ships of the victorious fleet, when they returned home, had their prows decorated with laurel, and resounded with triumphant music.

XXVI. The trading vessels of the ancients were in general much inferior in size to those of the moderns. Cicero mentions a number of ships of burden, no one of which was below two thousand *amphoræ*, i. e., above fifty-six tons, which he seems to have thought a large ship.[2] There were, however, some ships of much greater bulk. One built by Ptolemy Philadelphus is said to have been two hundred and eighty cubits, or four hundred and twenty feet long, and another three hundred feet, the tonnage of the former seven thousand one hundred and eighty-two *amphoræ*, and of the latter three thousand one hundred and ninety-seven. The ship which brought from Egypt the great obelisk that was placed in the Circus of the Vatican, in the time of Caligula, besides the obelisk itself, had one hundred and twenty thousand *modii* of lentils, a kind of pulse, for ballast.[3] The *modius* was equivalent to one gallon, 7.36 pints, dry measure.

Feb. 17. 1852.

CHAPTER XXVII.

CUSTOMS OF THE ROMANS.

ROMAN DRESS.

THE TOGA.—STOLA.—INSTITA.—PALLA.—CYCLAS.—DRESS IN MOURNING.—TOGA PRÆTEXTA, &C.—BULLA.—TOGA VIRILIS.—CEREMONIES ON ASSUMING THE TOGA VIRILIS.

TOGA.

1. THE distinguishing part of the Roman dress was the *Toga*, or gown, as that of the Greeks was the *Pallium*,[4] and that of the Gauls and many other nations, *Braccæ*,[5] trowsers or pantaloons. Hence the Romans were called *Gens Togata*,[6] or simply *Togati*;[7] the Greeks, *Palliati*; and the Gauls, &c., *Braccati*. Hence, too, the appellation of *Gallia Togata*[8] given to Cisalpine Gaul, when this country was admitted to the rights of Roman citizenship. The dis-

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[1] *Dion Cass.*, i., 29, 34, 35; *Horat., Od.*, i., 37, 13.
[2] *Cic., Ep. ad Fam.*, xii., 15.
[3] *Plin., H. N.*, xvi., 40, 76.
[4] *Suet., Aug.*, 98.
[5] *Suet., Cæs.*, 80; *Claud.*, 15; *Plin., Epist.*, v., 11.
[6] *Suet., Aug.*, 40.
[7] *Cic., Rosc. Am.*, 46; *Verr.*, i., 29; *Sallust. Jug.*, 21.
[8] *Cic., Phil.*, viii., 9.

tinction, moreover, between *fabulæ togatæ* and *palliatæ*, already explained (page 216), is connected with this same custom. As the *toga* was the robe of peace, *togati* is often opposed to *armati*; and as it was worn chiefly in the city, the same term is sometimes opposed to *rustici*.

II. Varro[1] derives the term *toga* from *tegere*, because it covered the whole body. Gellius states that at first it was worn alone without the tunic.[2] Whatever may have been the origin of this dress, which some refer to the Lydians, it seems to have been received by the Romans from the Etruscans, for it is seen on Etruscan works of art as the only covering of the body, and the *toga prætexta* is expressly said to have been derived from Etruria.[3]

III. The *toga* was originally worn only in Rome itself, and the use of it was forbidden alike to exiles and to foreigners.[4] Gradually, however, it went out of common use, and was supplanted by the *pallium* and *lacerna*, or else it was worn in public under the *lacerna*.[5] But it was still used by the upper classes, who regarded it as an honorable distinction;[6] in the courts of justice; by clients when they received the *sportula*;[7] and in the theatre or at the games, at least when the emperor was present.[8] Under Alexander Severus, guests at the emperor's table were expected to appear in the *toga*.[9]

IV. The form of the *toga*, and the manner of wearing it, are matters which are much disputed, and about which, indeed, it seems almost impossible, with our present information, to arrive at certainty. The form was, undoubtedly, in some sense *round*; according to Dionysius, *semicircular*.[10] It seems impossible, however, from the way in which it was worn, that it could have been always a semicircle. Such may, perhaps, have been its form as worn in the most ancient times, when it had no great fulness; but to account for the numerous folds in which it was afterward worn, we must suppose it to have had a greater breadth in proportion to its length, that is, to have been a smaller segment than a semicircle. Probably the size of the segment which the *toga* formed (on which its fulness depended) was determined by the fashion of the time or the taste of the wearer.

V. We must make a careful distinction between the more ancient and simpler mode of wearing the *toga*, and the full form, with

1 *Varro, L. L.*, v., 144, *ed. Müll.*
2 *Gell.*, vii., 12.
3 *Liv.*, i., 8; *Plin., H. N.*, viii., 48, 74; *Müller, Etrusker*, vol. i., p. 262.
4 *Plin., Epist.*, iv., 11; *Suet., Claud.*, 15.
5 *Suet., Aug.*, 40.
6 *Cic., Philip.*, ii., 30.
7 *Martial*, xiv., 125.
8 *Suet., Claud.*, 6; *Lamprid., Commod.*, 16.
9 *Lamprid., Sever.*, 1.
10 *Dionys.*, iii., 61.

many complicated folds, in which it was worn at a later period. The more ancient mode of wearing the toga was as follows: One end was thrown over the left shoulder to the front, so that the round side fell outward. The robe was then conducted behind the body, and over the right shoulder, so that the arm rested in it, as in a sling, while the whole remaining portion, being drawn across the front of the person, was thrown over the left shoulder. The second end hung down the back, and the left arm was concealed by the robe falling over it.[1] The following wood-cut will make this plainer.

VI. Frequent reference is made to the *sinus* of the toga. This was the portion of the garment which hung down in front of the body like a sling. In the cut just given it is of small size, being of the kind described by Quintilian as *perquam brevis*.[2] The larger kind of *sinus* will be presently explained. Things might be carried in the *sinus*,[3] and with it also the face and head might be covered. Thus Fabius, the Roman ambassador, when he denounced war in the senate of Carthage, is said to have poured out (*sinum effudisse*[4]) or shaken out the bosom of his toga (*excussisse togæ gremium*[5]).

VII. The later mode of wearing the *toga* appears to have been as follows.[6] As before, the curved side was lower, or fell outward, and one end of the garment was thrown over the left shoulder, and hung down in front, but much lower than in the former case. In some statues it is seen even lying on the ground. The garment was then placed over the back, as in the older mode of wearing it,

[1] *Becker's Gallus*, p. 338.
[2] *Quintil.*, xi., 3, 137.
[3] *Plin.*, *H. N.*, xv., 18; *Gell.*, iv., 18.
[4] *Liv.*, xxi., 18.
[5] *Flor.*, ii., 6.
[6] *Becker*, *l. c.*

but, instead of *covering* the right shoulder, it was brought round *under* the right arm to the front of the body. After being thus carried under the right arm, it was doubled together in a fold at about the middle of its breadth, so that the upper part fell down as a *sinus*, and the lower part covered the body and the legs; thus arose the bundle of folds crossing obliquely from under the right arm athwart the breast, and which is generally understood by the term *umbo*; the remaining part was then thrown over the left shoulder and arm, which was thus doubly covered. The principal point to be understood in this explanation is, that the garment which was drawn behind the back toward the right into the front, when it depended in its width, was caught up in the middle, and thus divided into two halves, one of which formed the *sinus*, while the other fell down over the body and legs. The *sinus*, it will be perceived, in this case, is much longer and fuller than in the former mode.

VIII. It appears from Tertullian[1] that the folds of the *umbo* were arranged before the dress was put on, and fixed in their places by pins or hooks; but, generally speaking, it does not seem that the *toga* was held on by any fastening; indeed, the contrary may be inferred from Quintilian's directions to an orator for the management of his *toga* while speaking.

IX. Another mode of wearing the *toga* was the *cinctus Gabinus*, or "Gabine cincture." It consisted in forming a part of the *toga* itself into a girdle, by drawing its outer edge round the body, and tying it in a knot in front, and, at the same time, covering the head with another portion of the garment. It was worn by persons offering sacrifices,[2] by the consul when he declared war,[3] and by devoted persons, as in the case of Decius.[4] Its origin was Etruscan, as its name implies.[5] Festus speaks of an army about to fight being girt with the *cinctus Gabinus*. Persons wearing this dress were said to be *procincti* (or *incincti*) *cinctu* (or *ritu*) *Gabino*.

X. The material of which the *toga* was commonly made was wool. It was sometimes thick and sometimes thin. The former was the *toga densa*, *pinguis*, or *hirta*. A new *toga*, with the nap neither worn off nor cut close, was called *pexa*, to which is opposed the *trita* or *rasa*, which was used as a summer dress. The color of the *toga* worn by men (*toga virilis*) was generally white, that is, the natural color of white wool. Hence it was called *pura*, or *vestimentum purum*. A brighter white was given to the *toga* of candidates for office (*candidati*, from their *toga candida*) by rubbing it with

[1] *De Pallio*, 5.
[2] *Liv.*, v., 46; *Lucan*, i., 596.
[3] *Virg.*, *Æn.*, vii., 612.
[4] *Liv.*, v., 46.
[5] *Serv.*, *ad Virg.*, *l. c.*; *Müller*, *Etrusker*, vol. i., p. 265.

chalk.[1] The *toga*, indeed, was always kept white and clean by the fuller. When this was neglected the *toga* was called *sordida*, and those who wore such garments *sordidati*. This dress, with disarranged hair, and other marks of disorder about the person, was worn by accused persons, as in the case of Cicero.[2]

XI. The *toga pulla*, which was of the natural color of black wool, was worn in private mourning, and sometimes also by artificers and others of the lower orders. The *toga picta*, which was ornamented with Phrygian embroidery, was worn by generals in triumphs, and under the emperors by the consuls, and by the prætors when they celebrated the games. It was also called *Capitolina*.[3] The *toga palmata* was a kind of *toga picta*. The *toga prætexta* will be mentioned hereafter.

XII. It only remains to speak of the general use of the *toga*. It was originally worn by both sexes; but when the *stola* came to be worn by matrons, the *toga* was only worn by the *meretrices*, and by women who had been divorced on account of adultery. Before the use of the *toga* became almost restricted to the upper class, their *toga* was only distinguished from that of the lower classes by being fuller and more expensive. In war, as already remarked, the *toga* was laid aside, and replaced by the *paludamentum* and the *sagum*.

STOLA; INSTITA.

XIII. The *Stola* was a female robe, and constituted the characteristic feature in the attire of a Roman matron, as the *toga* did in that of the male sex.[4] It was a tunic made very full; and sometimes with long sleeves; at others, with short ones, fastened down the fleshy part of the arm with clasps, but put on over the chemise (*tunica intima*), and fastened with a double girdle,[5] one under the breast, and the other over the hips, so as to produce an ample display of small irregular folds[6] when compressed by and drawn through its ligatures. What constituted, however, the distinguishing feature of the *stola* was an appendage termed *instita*, sewed on under the girdle,[7] and trailing behind, so as to cover the back half of the feet. The *instita* was, until recently, regarded as a sort of flounce merely, sewed round the bottom of the tunic, in order to constitute a *stola*; but a more careful examination of a fresco painting in the *Thermæ* of Titus shows conclusively that the *instita* was not an addition *all round* the bottom of the dress, but one merely which hung be-

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1 *Pers.*, v., 177. 2 *Plut.*, *Cic.*, 30, 31; *Dion Cass.*, xxxviii., 16; *Liv.*, vi., 20.
3 *Lamprid.*, *Alex. Sev.*, 40. 4 *Petron.*, *Sat.*, 81, 5. Compare *Cic.*, *Phil.*, ii., 18.
5 *Enn.*, *ap. Non.*, p. 198. 6 *Mart.*, iii., 93.
7 *Hor.*, *Sat.*, i., 2, 29.

hind, and concealed only the heels or half the feet.[1] A representation of the *stola* will be found under the account of the female tunic (page 287).

PALLA.

XIV. The *Palla* was another article of female attire, and was worn both *as* a tunic and *over* a tunic.[2] It was adjusted to the person by clasps upon the shoulders. The *palla* was originally an article of Greek costume, and was always a rectangular piece of cloth, exactly, or, at least, nearly square.[3] There appears, however, to have been a slight difference between the Greek and Roman *pallæ*. For a representation of the *palla*, consult the account of the female tunic (page 287).

CYCLAS.

XV. The *Cyclas* was a long and loose piece of drapery, generally made of a very fine texture, and sufficiently ample to envelop the whole figure, if required. It had a border of purple color or gold embroidery all round its edges, from which peculiarity the name is supposed to have arisen.[4] Alexander Severus, in his attempt to restrain the luxury of the age, ordained that women should possess only one *cyclas* each, and that it should not be adorned with more than six *unciæ* of gold.[5] It is related, among other instances of Caligula's effeminacy, that he sometimes went into public in a garment of this description.[6]

MOURNING DRESS.

XVI. The Romans, like ourselves, were accustomed to wear mourning for their deceased friends, which appears to have been black, or dark blue, under the republic, for both sexes.[7] Under the empire, the men continued to wear black in mourning,[8] but the women wore white.[9] Both sexes laid aside all kinds of ornaments,[10] and neither the hair nor the beard was cut.[11] Men appear to have usually worn their mourning for only a few days,[12] but women for a year when they lost a husband or a parent.[13] In a public mourning the senators did not wear the *latus clavus* and their rings, nor the magistrates their badges of office.

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1 *Rich*, p. 622. 2 *Varro, L. L.*, v., 131; *Hor., Sat.*, i., 2, 99; *Rich*, p. 467.
3 *Posidon., ap. Athen.*, v., p. 213; *Tertull., de Pallio*, 1.
4 *Serv., ad Virg., Æn.*, i., 282; *Juv.*, vi., 259; *Prop.*, iv., 7, 40
5 *Lampr., Alex. Sev.*, 41. 6 *Suet., Cal.*, 52.
7 *Serv., ad Virg., Æn.*, xi., 287. 8 *Juv.*, x., 245. 9 *Herodian.*, iv., 2.
10 *Herodian., l. c.; Terent., Heaut.*, ii., 3, 47. 11 *Suet., Cæs.*, 67; *Aug.*, 23.
12 *Dion Cass.*, lvi., 43. 13 *Ovid, Fast.*, iii., 134.

TOGA PRÆTEXTA.

XVII. The *toga prætexta* had a broad purple *border*, whence its name. It was worn by children of both sexes. It was also worn by magistrates, both those of Rome and those of the colonies and municipal towns, and by persons engaged in sacred rites or in paying vows. It is said to have been derived from the Etruscans, and to have been first adopted, with the *latus clavus*, by Tullus Hostilius, the royal robe, whence its use by the magistrates in the republic.[1] The *toga prætexta* was first given to boys in the case of the son of Tarquinius Priscus, who, at the age of fourteen, in the Sabine war, slew an enemy with his own hand.[2] The *prætexta* was worn by boys until the period arrived for assuming the *toga virilis*, or manly gown, and by young women until they were married.

BULLA AUREA.

XVIII. The *Bulla Aurea* was a golden ornament worn by the Roman children of wealthy and noble families. It consisted of two concave plates of gold, fastened together by an elastic brace of the same material, so as to form a complete globe, within which an amulet was contained.[3] Its usual form is shown in the annexed wood-cut, which represents a *bulla* preserved in the British Museum, and is of the size of the original.

An ornament of a similar description, only made of *leather* instead of gold, was worn, attached to a thong of the same material, by the

[1] *Plin., H. N.*, viii., 48, 74. [2] *Macrob., Sat.*, i., 6. [3] *Id. ib.*

children of freedmen and of the lower classes.[1] The *bulla* was laid aside, together with the *prætexta* and was consecrated, on this occasion, to the *lares*.[2] The use of the *bulla*, like that of the *prætexta*, was derived from the Etruscans, whence it is called by Juvenal *aurum Etruscum*.[3] It was originally worn only by the children of the patricians, but subsequently by all of free birth.[4]

TOGA VIRILIS.

XIX. Until a Roman youth assumed the *toga virilis*, or manly gown, he wore, as just remarked, the *toga prætexta*, the broad purple hem of which at once distinguished him from other persons. The *toga virilis* was assumed at the *Liberalia*, in the month of March. The year when this took place is still a disputed question. According to Böttiger,[5] it took place in early times at the end of the sixteenth year, and, in later, when the fifteenth year was completed. On the other hand, Klotz[6] assumes that such a year was not at all fixed, but that it depended in every case on the father, who introduced the son into public life sooner or later, according to his discretion. Notwithstanding, it seems more plausible to suppose, with Becker,[7] that the completion of the fifteenth year conferred a right to the *toga virilis*, and that this period was the one generally received. Augustus assumed the *toga* on his sixteenth birth-day. Probably it was not till under the emperors that the assumption took place before the end of the fifteenth year. Caligula was twenty years old before Tiberius allowed him to lay aside the *prætexta*.

XX. The *toga virilis* was also called *toga pura*,[8] because it was entirely white, and *libera*,[9] because the young man now began a freer, less restrained mode of life. Böttiger less correctly derives this latter epithet from the connection with the *sacra Bacchica*, or *Liberalia*.[10]

CEREMONIES ON ASSUMING THE TOGA VIRILIS.

XXI. The ceremony of changing the *toga* was performed with great solemnity before the images of the *lares*,[11] to whom the *bulla* was consecrated; sometimes in the Capitol,[12] or they immediately went thither, or to some temple, to pay their devotion to the gods.[13] The young man was then conducted by his father or principal rela-

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1 *Juv.*, v., 165.
2 *Pers.*, v., 31.
3 *Juv.*, v., 164.
4 *Cic.*, *Verr.*, i., 58.
5 *De Orig. Tirocin. apud Rom.*, p. 207.
6 *Jahrb. für Philol. u. Pædag.*
7 *Gallus*, p. 182.
8 *Cic.*, *ad Att.*, v., 20; ix., 19.
9 *Ovid*, *Trist.*, iv., 10, 28; *Fast.*, iii., 777.
10 *Becker*, *Gallus*, p. 183.
11 *Propert.*, iv., 132.
12 *Val. Max.*, v., 4, 4.
13 *Suet.*, *Claud.*, 2.

tion to the *Forum*, accompanied by his friends,[1] and there recommended to the notice and care of some eminent orator or lawyer, whom it was to be his chief study to imitate;[2] and hence he was said *forum attingere*, or *in forum venire*, when he began in this way to turn his attention to public business.[3]

XXII. This day was called *dies togæ virilis*,[4] or *dies tirocinii*,[5] and the conducting of one to the forum, *tirocinium*.[6] The young men were moreover called *tirones*, young or raw soldiers, because then they first began to serve in the army.[7] Hence *tiro* is put for a learner or novice; and hence, too, *ponere tirocinium*,[8] to lay aside the character of a learner, to be past one's novitiate. When all the formalities of the day were finished, the friends and dependants of the family were invited to a feast. The public ceremonies connected with the assumption of the *toga virilis* by the sons of the emperors are referred to by Suetonius.[9]

Feb. 18. 1852.

CHAPTER XXVIII.

CUSTOMS OF THE ROMANS.

ROMAN DRESS.

TUNICA.—LACERNA.—PÆNULA.—FASCIÆ.—FOCALIA.—CALCEI.—SOLEÆ.—COVERINGS FOR THE HEAD.—FEMALE HEAD-DRESSES, AND ORNAMENTS FOR THE HEAD.—OTHER ADORNMENTS.

TUNICA.

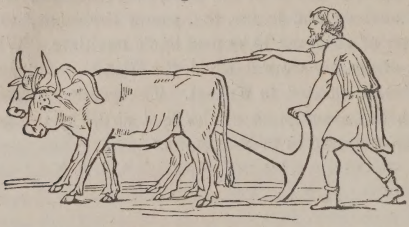
I. The *Tunica*, or tunic, was a woollen under garment, over which the *toga* was worn. The Romans are said to have had no other clothing originally but the *toga*; and when the *tunic* was first introduced, it was merely a short garment without sleeves, and was called *Colobium*.[10] It was considered a mark of effeminacy for men to wear tunics with long sleeves (*manicatæ*), and reaching to the feet (*talares*[11]). Julius Cæsar was accustomed to wear one which had sleeves, with fringes at the wrist (*ad manus fimbriata*[12]); and in the later times of the empire, tunics with sleeves, and reaching to the feet, became common.

II. The tunic was girded (*cinctus*) with a belt around the waist,

[1] *Cic., Att.*, ix., 22; *Suet., Aug.*, 26.
[2] *Cic., de Am.*, 1; *Tac., Orat.*, 34.
[3] *Senec., Contr.*, v., 6; *Cic., Ep. ad Fam.*, v., 8.
[4] *Suet., Aug.*, 66.
[5] *Suet., Tib.*, 54.
[6] *Suet., Aug.*, 26; *Cal.*, 10.
[7] *Cic., Phil.*, xi., 15; *Ep. ad Fam.*, vii., 3.
[8] *Liv.*, xlv., 37.
[9] *Suet., Aug.*, 26; *Tib.*, 54.
[10] *Gell.*, vii., 12; *Serv., ad Virg., Æn.*, ix., 616.
[11] *Cic., Cat.*, ii., 10.
[12] *Suet., Cæs.*, 45.

but was usually worn loose, without being girded, when a person was at home, or wished to be at his ease.[1] Hence we find the terms *cinctus*, *præcinctus*, and *succinctus* applied, like the Greek εὔζωνος, to an active and diligent person, and *discinctus* to one who was idle and dissolute.[2]

III. The form of the tunic, as worn by men, is very common in works of art. It usually terminates a little above the knee; has short sleeves, covering only the upper part of the arm; and is girded at the waist, as in the following cut.



The sleeves sometimes, though less frequently, extend to the hands, as in the following cut.

IV. Both sexes usually wore two tunics, an outer and an under one, the latter of which was worn next the skin, and corresponded to our shirt and chemise. Varro[3] says, that when the Romans began to wear two tunics, they called them *Subucula* and *Indusium*, the former of which Böttiger[4] supposes to be the name of the under tunic of the men, and the latter of that of the women. But it would appear from another passage of Varro,[5] referred to by Becker,[6] as if

[1] *Hor., Sat.*, ii., 1, 73; *Ovid, Am.*, i., 9, 41.
[2] *Hor., Sat.*, ii., 5, 6; ii., 6, 107; *Epod.*, i., 34.
[3] *Ap. Non.*, xiv., 36.
[4] *Sabina*, vol. ii., p. 113.
[5] *L. L.*, v., 131, *ed. Müller.*
[6] *Gallus*, p. 342.

Varro had meant to give the name of *Subucula* to the under tunic, and that of *Indusium* or *Intusium* to the outer. It appears, however, that *subucula* was chiefly used to designate the under tunic of men.[1] The word *interula* was of later origin, and seems to have applied equally to the under tunic of both sexes.[2]

V. Persons sometimes wore several tunics as a protection against cold: Augustus wore four in winter besides a *subucula*.[3]

VI. As the dress of a man usually consisted of an under tunic, an outer tunic, and the *toga*, so that of a woman, in like manner, consisted of an under tunic (*tunica intima*[4]), an outer tunic, and the *palla*. The outer tunic of the Roman matron was properly called *stola*, and has already been referred to. The annexed wood-cut, however, may give some idea of its form. Over the tunic or *stola* the *palla* is thrown, but the shape of the former is still distinctly shown.

The tunics of women were larger and longer than those of men, and always had sleeves, but in ancient paintings and statues we seldom find the sleeves covering more than the upper part of the arm.

VII. Poor people who could not afford to purchase a *toga* wore the tunic alone, whence we find the common people called *Tunicati*.[5] Persons at work laid aside the *toga*. A person who wore only his tunic was frequently called *nudus*, i. e., thinly attired, as in one of the cuts just given on the preceding page.

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[1] *Suet., Aug.*, 82; *Hor., Epist.*, i., 1, 95.

[2] *Aput. Florid.*, ii., p. 32; *Metam.*, viii., p. 533, *ed. Oud.*

[3] *Suet., Aug.*, 82. [4] *Gell.*, x., 15. [5] *Cic., in Rull.*, ii., 34; *Hor., Epist.*, i., 7, 65

LACERNA.

VIII. The *Lacerna* was an article of dress which appears to have been borrowed from the Gauls.[1] It consisted of a loose mantle, not closed all round like the *pænula*, but open in front, and fastened by a buckle or brooch. It was, moreover, sufficiently ample to be worn over the *toga*,[2] or any other garment, and had a hood (*cucullus*),[3] which could be raised over the head when the wearer wished to conceal his features, or avoid the sight of any unpleasant object.[4] It came first into use toward the latter end of the republic, but became very general under the empire, being used by all classes, civil as well as military.[5] It was usually of a dark color,[6] and was frequently made of the dark wool of the Bætic sheep.[7] Sometimes, however, it was dyed with the Tyrian purple and with other colors.[8]

PÆNULA.

IX. The *Pænula* was a thick cloak, chiefly used by the Romans in travelling instead of the *toga*, as a protection against the cold and rain.[9] Hence we find the expression *scindere pænulam*[10] used in the sense of greatly pressing a traveller to stay at one's house. The *pænula* was worn by women as well as by men in travelling.[11] It

[1] *Cic., Phil.*, ii., 30. [2] *Juv.*, ix., 28. [3] *Mart.*, xiv., 132, 139.
[4] *Hor., Sat.*, ii., 7, 55; *Paterc.*, ii., 70, 2. [5] *Suet., Aug.*, 40; *Claud.*, 6.
[6] *Mart.*, i., 97, 9. [7] *Mart.*, xiv., 133. [8] *Juv.*, i., 27; *Mart.*, i., 97.
[9] *Cic., pro Mil.*, 20; *Quintil.*, vi., 3, 66. [10] *Cic., ad Att.*, xiii., 33.
[11] *Dig.*, 34, tit. 2, s. 23.

appears to have been a long cloak without sleeves, and with only an opening for the head. The dress was also sewed in front about half way down, and was divided into two parts, which might be thrown back by the wearer, so as to leave the arms comparatively free: it must have been put on over the head. The preceding cut will give some idea of it.

Under the emperors the *pænula* was worn in the city as a protection against the rain and cold;[1] but women were forbidden by Alexander Severus to wear it in the city.[2] At one time, however, the *pænula* appears to have been commonly worn in the city instead of the *toga*, as we even find mention of orators wearing it when pleading causes,[3] but this fashion was probably of short duration. The *pænula* was usually made of wool,[4] and particularly of that kind which was called *gausapa*.[5] It was also sometimes made of leather.[6]

FASCIÆ.

X. The Romans wore neither stockings nor under garments (pantaloons, &c.), but used to wrap their legs and thighs as well as feet with pieces or bands of cloth (*fasciæ*), named, from the parts which they covered, *tibialia*, and *feminalia* or *femoralia*.[7] At first, coverings of this kind for the feet and legs were worn principally by women. Afterward, however, when the *toga* had fallen into disuse, and the shorter *pallium* was worn in its stead, so that the legs were naked and exposed, *fasciæ* became common even with the male sex.[8] The Emperor Alexander Severus[9] always used them, even although, when in town, he wore the *toga*. Quintilian[10] nevertheless asserts that the adoption of them could only be excused on the plea of infirm health.

XI. White *fasciæ*, worn by men,[11] were a sign of extraordinary refinement in dress: the mode of cleaning them was by rubbing them with white tenacious earth, resembling our pipe-clay (*fasciæ cretatæ*[12]). The finer *fasciæ*, worn by ladies, were purple.[13] The bandages wound about the legs, as shown in the illuminations of ancient MSS., prove that the Roman usage was generally adopted in Europe during the Middle Ages.

FOCALIA.

XII. The *Focale* was a wrapper for the neck and jaws (*fauces*,

1 *Juv.*, v., 79. 2 *Lamprid.*, *Alex. Sev.*, 27. 3 *Dial. de Orat.*, 39.
4 *Plin.*, *H. N.*, viii., 48, 73. 5 *Mart.*, xiv., 145. 6 *Mart.*, xiv., 130.
7 *Suet.*, *Aug.*, 82. 8 *Hor.*, *Sat.*, ii., 3, 255; *Val. Max.*, vi., 2, 7; *Grat.*, *Cyneg.*, 338.
9 *Lamprid.*, *Alex. Sev.*, 40. 10 *Inst. Or.*, xi., 3.
11 *Val. Max.*, *l. c.*; *Phædr.*, v., 7, 37. 12 *Cic.*, *ad Att.*, ii., 3.
13 *Cic.*, *de Harusp. Resp.*, 21.

quasi *faucale*), like our neck-cloth or cravat; originally worn only by delicate persons and invalids,[1] not as an ordinary part of the Roman costume, as it is of ours, but when the extension of the empire forced the Roman soldier to endure the severities of northern climates, it seems to have been generally adopted in the army, for it was universally worn by the troops in the armies of Trajan, Antoninus, and Septimius Severus. The ends hung down over the chest, exactly as described by the scholiast on Horace, "*a collis dependentia, ad fovendum collum, et fauces contra frigora muniendas.*"[2]

CALCEI.

XIII. The use of shoes was by no means universal among the Greeks and Romans. The Homeric heroes are represented without shoes when armed for battle. Socrates, Phocion, and Cato frequently went barefoot. The Roman slaves had no shoes,[3] their naked feet being marked with chalk or gypsum. The covering of the feet was removed before reclining at meals. To go barefoot also indicated haste, grief, distraction of mind, or any violent emotion, as when Venus goes in quest of Adonis,[4] and the Vestals fled from Rome with the apparatus of sacred utensils.[5] For similar reasons, sorceresses go with naked feet when intent upon the exercise of magical arts,[6] although sometimes one foot only was unshod.[7]

XIV. The feet were sometimes bare in attendance on funerals. Thus the remains of Augustus were collected from the pyre by noblemen of the first rank with naked feet.[8] A picture found at Herculaneum exhibits persons with naked feet engaged in the worship of Iris,[9] and this practice was observed at Rome in honor of Cybele.[10] In case of drought, a procession and ceremonies, called *Nudipedalia*, were performed with a view to propitiate the gods by the same token of grief and humiliation.[11]

XV. Those of the Greeks and Romans who wore shoes, including generally all persons except youths, slaves, and ascetics, consulted their convenience and indulged their fancy by inventing the greatest possible variety in the forms, colors, and materials of their shoes. The distinctions depending upon form may be generally divided into those in which the mere sole of a shoe was attached to the sole of the foot by ties or bands, or by a covering for the toes and the instep; and those which ascended higher and higher, ac-

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1 *Hor., Sat.*, ii., 3, 255; *Quint.*, xi., 3, 144.
2 *Schol. ad Hor., l. c.*
3 *Juv.*, vii., 16.
4 *Bion*, i., 21.
5 *Flor.*, i., 13.
6 *Sen., Medea*, iv., 2, 14; *Ovid Met.*, vii., 183; *Hor., Sat.*, i., 8, 24.
7 *Virg., Æn.*, iv., 518.
8 *Suet., Aug.*, 100.
9 *Ant. d'Ercol.*, ii., 320.
10 *Prudent., Perist.*, 154.
11 *Tertull., Apol.*, 40.

cording as they covered the ankles, the calf, or the whole of the leg. To the former class belonged the *Solea*, *Crepida*, *Sandalium*, and *Soccus*; whereas to *calceamenta* of the latter kind, that is, to shoes and boots as distinguished from sandals and slippers, the term *calceus* was applied in its proper and restricted sense.

XVI. Understanding, then, *calceus* in this its more confined application, it included all those more complete coverings for the feet used for walking out of doors or travelling. As most commonly worn, these probably did not much differ from our shoes, and are exemplified in the following cut, taken from a painting at Herculaneum.

The succeeding cut is the representation of a marble foot in the

[1] *Ant. d'Ercolano*, i., tav. 21.

British Museum, exhibiting the form of a man's shoe. Both the sole and the upper leather are thick and strong. The toes are uncovered, and a thong passes between the great and the second toe as in a sandal.

XVII. The form and color of the *calceus* were also among the insignia of rank and office. Those who were elevated to the senate wore high shoes like buskins, fastened in front with four black thongs (*nigris pellibus*[1]), and adorned with a small crescent.[2] Among the *calcei* worn by senators, those called *mullei*, from their resemblance to the scales of the red mullet,[3] were particularly admired, as well as others called *alutæ*, because the leather was softened by the use of alum.[4]

XVIII. The *Calceus repandus* is sometimes mentioned.[5] This was a shoe with a long pointed toe bent upward or backward. This form appears to have been of great antiquity, for it is frequently seen in Egyptian and Etruscan monuments, from which latter people it came, like many other of their fashions, to the Romans, and remained in common use in many parts of Europe until a late period of the Middle Ages.[6]

XIX. Other varieties of the *calceus* arose from its adaptation to particular professions or modes of life. Thus the *Caliga* was principally worn by soldiers; the *Pero*, by laborers and rustics; and the *Cothurnus* by tragedians, hunters, and horsemen. These will now be briefly described.

The *Cal̄iga* was a strong and heavy shoe worn by the Roman soldiers. Although the use of this *calceamentum* extended to the centurions, it was not worn by the superior officers. Hence the common soldiers, including centurions, were distinguished by the name of *Caligati*.[7] The Emperor Caligula received that cognomen when a boy, in consequence of wearing the *caliga*, which his father Germanicus put on his son in order to please the soldiers.[8] The sole of the *caliga* was thickly studded with hob-nails (*clavi caligarii*[9]).

The *Pero* was a low boot of untanned hide,[10] worn by ploughmen[11] and shepherds. It had a strong sole,[12] and was adapted to the foot with great exactness.[13] In the Greek mythology, Perseus was represented wearing boots of this description with wings at-

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1 *Hor.*, *Sat.*, i., 6, 27.
2 *Mart.*, ii., 29; *Juv.*, vii., 192.
3 *Isid.*, *Orig.*, xix., 14.
4 *Mart.*, *l. c.*; *Juv.*, *l. c.*; *Lyd.*, *de Mag.*, i., 22.
5 *Cic.*, *N. D.*, i., 29.
6 *Rich*, p. 99.
7 *Suet.*, *Aug.*, 25; *Vitell.*, 7.
8 *Tac.*, *Ann.*, i., 41; *Suet.*, *Calig.*, 9.
9 *Plin.*, *H. N.*, xxxiv., 41; ix., 18; *Juv.*, *Sat.*, iii., 232; xvi., 25.
10 *Virg.*, *Æn.*, vii., 690; *Brunck*, *Anal.*, i., 230.
11 *Pers.*, v., 102.
12 *Theocrit.*, vii., 26.
13 *Galen in Hippocr.*, lib. iv.

tached to them. Diana also wore them when accoutred for the chase.[1]

The *Cothurnus* was a boot. Its essential distinction was its height: it rose above the middle of the leg, so as to surround the calf;[2] and sometimes it reached as high as the knees.[3] It was worn principally by horsemen, hunters, and by men of rank and authority. The ancient marbles representing these different characters show that the *cothurnus* was often ornamented in a very tasteful and elaborate manner. The boots of the ancients were laced in front, and it was the object in so doing to make them fit the leg as closely as possible. It is evident, from the various representations of the *cothurnus* in ancient statues, that its sole was commonly of the ordinary thickness. But it was sometimes made much thicker than usual, probably by the insertion of slices of cork.[4] The object was to add to the apparent stature of the wearer; and this was done either in the case of women who were not so tall as they wished to appear,[5] or of actors in tragedy who assumed the *cothurnus* as a grand and dignified *calceamentum*, and had the soles made unusually thick as one of the means adopted in order to magnify their whole appearance.[6] It was with the view of concealing the unsightly appearance of such a *chaussure* that the tragic actors always wore long robes reaching to the ground. The following cut shows two *cothurni*, with soles of ordinary size, both taken from statues of Diana.

XX. Passing from the *calcei* to those coverings for the feet in which either the mere sole of a shoe was attached to the sole of the

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1 *Brunck, Anal.*, iii., 206.
2 *Virg.*, *Æn.*, i., 337.
3 *Millin, Vas. Ant.*, vol. i., pl. 20 and 72.
4 *Serv., ad Virg.*, *Æn.*, *l. c.*
5 *Juv.*, vi., 507.
6 *Virg.*, *Eclog.*, viii., 10; *Hor.*, *Sat.*, i., 5, 64.

foot by ties or bands, or by a covering for the toes or the instep, we may name the *Solea*, *Crepida*, *Sandalium*, and *Soccus*, which we will now briefly describe.

1. The *Solea* was the simplest kind of sandal, consisting of a sole with little more to fasten it to the foot than a strap across the instep.[1] It was sometimes made of wood,[2] and worn by rustics,[3] resembling probably the wooden sandals which now form part of the dress of the Capuchins. The *solea*, as worn by the upper classes, was adapted chiefly for wearing in the house, so that when a man went out to dinner, he walked in shoes (*calcei*), taking with him slippers or *soleæ*, which he put on when he entered the house. Before reclining at table, they were taken away by the servants;[4] consequently, when dinner was over, it was necessary to call for them.[5] On returning home the *calcei* were again put on, and the *soleæ* carried as before under the arm.[6]

2. The *Crepida* is usually translated "slipper," which gives a very imperfect as well as incorrect notion of the word.[7] The *crepida* consisted of a thick sole welted on to a low piece of leather, which only covered the side of the foot, but had a number of eyes (*ansæ*) on its upper edge, through which a flat thong (*amentum*) was passed to bind it on the foot; or sometimes loops only were welted to the sole, through which the *amentum* was interlaced, in different and fanciful patterns, across the instep, and as high as the ankle.[8] *Crepidæ* were worn with the *pallium*, not with the *toga*, and were properly characteristic of the Greeks, though adopted from them by the Romans.

3. *Sandalium.* This was a highly-ornamented slipper worn by the ladies of Greece, from whom it was adopted by those of Rome.[9] In character it appears to have possessed an intermediate form between the *calceolus* and the *solea*, having a sole and upper leather over the toes and front half of the foot, but leaving the heel and back part uncovered, like a modern slipper; and to this part it is probable that a strap or sandal, as it is now called, was sometimes, at least, attached to fasten it over the instep. The use of it was exclusively confined to the female sex.[10]

4. *Soccus.* This was a species of low shoe or slipper, which did not fit closely, and was not fastened by any tie.[11] Among the

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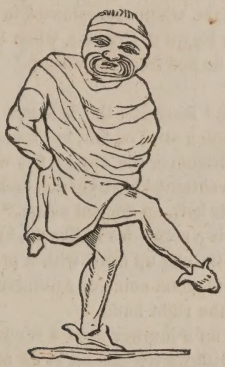
[1] *Gellius*, iii., 14; xiii., 21.
[2] *Isid.*, *Orig.*, xix., 33.
[3] *Theocrit.*, xxv., 102, 103.
[4] *Plaut.*, *Truc.*, ii., 4, 16; *Ovid*, *Art. Am.*, ii., 212.
[5] *Plaut.*, *Truc.*, ii., 4, 12; *Hor.*, *Sat.*, ii., 8, 77.
[6] *Hor.*, *Epist.*, i., 13, 15.
[7] *Rich*, p. 213.
[8] *Id. ib.*
[9] *Terent.*, *Eun.*, v., 7, 4; *Turpil. ap. Non.*, *s. v. Priores*, p. 427.
[10] *Ælian*, *V. H.*, i., 18; *Pollux*, vii., 92; *Becker*, *Charicles*, ii., p. 367, *seqq.*
[11] *Isid.*, *Orig.*, xix., 33.

Greeks it was commonly worn by both sexes, but at Rome its use was strictly confined to females, and to actors on the comic stage, in order to form a contrast with the high-soled *cothurnus* of the tragic drama. Whenever an instance occurs, therefore, of the *soccus* being worn by a Roman off the stage, it is recorded as a singularly anti-national affectation, and reprobated accordingly. The following cut, taken from an ancient painting, represents a buffoon dancing in *socci*.



XXI. It may not be amiss, before leaving this division of our subject, to remark, that the Romans had also iron shoes (*soleæ ferreæ*) for mules[1] and horses, not fixed to the hoof with nails, as among us, but fitted to the animal's foot, so that they might be occasionally put on and off. Nero, however, had his mules shod in this way with silver,[2] and his empress Poppæa her's with gold.[3] A sock made of leather, or some such material, probably, was strengthened by a plate of iron, silver, or gold, and in this way the shoe was formed.

COVERINGS FOR THE HEAD.

XXII. The ancient Romans went with their heads bare, as we see from ancient coins and statues, except at sacred rites, games, festivals, on journeys, and in war. Hence, of all the honors decreed to Julius Cæsar by the senate, he is said to have been chiefly pleased with that of always wearing a laurel crown, because it covered his baldness,[4] which was reckoned a deformity among the Romans, and regarded as the result of dissolute habits.[5] They used,

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[1] *Catull.*, xvii., 26.
[2] *Suet.*, *Ner.*, 30.
[3] *Plin.*, *H. N.*, xxxiii., 11, 49.
[4] *Suet.*, *Cæs.*, 45.
[5] *Ovid*, *Art. Am.*, iii., 250; *Tac.*, *Ann.*, iv., 57; *Suet.*, *Domit.*, 18; *Juv.*, iv., 38.

however, in the city, as a screen for the heat or wind, to throw over their head the lappet of the *toga* (*laciniam* vel *sinum togæ in caput rejicere*), which they took off when they met any one to whom they were bound to show respect, as the consuls,[1] &c.

XXIII. The Romans veiled their heads at all sacred rites but those of Saturn;[2] in cases of sudden and extreme danger;[3] in grief or in despair, as when one was about to throw himself into a river, or the like.[4] Thus Cæsar, when assassinated in the senate-house;[5] Pompey, when slain in Egypt;[6] Crassus, when defeated by the Parthians; Appius, when he fled from the Forum.[7] So criminals when executed.[8]

XXIV. At games and festivals, the Romans wore a conical cap or bonnet, of white woollen stuff or felt, but round at the top, termed *Pileus*.[9] Among the Romans, the cap of felt was the emblem of liberty. When a slave obtained his freedom, he had his head shaved, and wore, instead of his hair, an undyed *pileus*.[10] Hence the phrase *servos ad pileum vocare* is a summons to liberty, by which slaves were frequently called upon to take up arms with a promise of freedom.[11] The figure of Liberty, on some coins of Antoninus Pius, struck A.D. 145, holds this cap in the right hand.

XXV. The Romans on a journey used a round cap like a helmet, made of leather, and with its top ending in an apex or point. This was called a *Galerus*. Or else they wore a broad-brimmed hat (*petasus*[12]), similar to that represented on the statues of the god Mercury. Hence *petasatus*,[13] prepared for a journey. Caligula permitted the use of a hat similar to this in the theatre, as a screen from the heat. The cut at the head of the opposite page represents the *petasus* as worn by a Greek soldier.

XXVI. The women used sometimes to dress their hair in the form of a *galerus*,[14] and which was called *galericulum*, a term also used to denote a wig. The head-dress of women, as well as their other attire, was different at different periods. At first it was very simple. They seldom went abroad, and when they did they almost always had their faces veiled. But when riches and luxury increased, dress became with many the chief object of attention; and hence a woman's toilet and ornaments were called *Mundus Muliebris*,[15] her world.

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1 *Plut., Quæst. Rom.*, 10. 2 *Serv., ad Virg., Æn.*, iii., 405; *Liv.*, i., 26.
3 *Plaut., Most.*, ii., 1, 77; *Petron.*, vii., 90. 4 *Horat., Sat.*, ii., 3, 37; *Liv.*, iv., 12.
5 *Suet., Cæs.*, 82. 6 *Dion Cass.*, xlii., 4. 7 *Liv.*, iii., 49.
8 *Liv.*, i., 26; *Sil. Ital.*, xi., 259. 9 *Horat., Ep.*, i., 13, 15; *Mart.*, xi., 7; xiv., 1.
10 *Diod. Sic., Exc. Leg.*, 22, p. 265, *ed. Wess.* 11 *Liv.*, xxiv., 32.
12 *Suet., Aug.*, 82. 13 *Cic., Ep. ad Fam.*, xv., 17.
14 *Schol. ad Juv.*, vi., 120. 15 *Liv.*, xxxiv., 7.

XXVII. In early times the Romans wore their hair long, as was represented in the oldest statues in the age of Varro ;[1] and hence the Romans of the Augustan age designated their ancestors *intonsi*[2] and *capillati*.[3] But after the introduction of barbers into Italy, about B.C. 300, it became the practice to wear the hair short.

FEMALE HEAD-DRESSES, &c.

XXVIII. The Roman women, as just remarked, originally dressed their hair with great simplicity ; but in the Augustan age a variety of different head-dresses came into fashion, many of which are described by Ovid.[4] Sometimes these head-dresses were raised to a great height by rows of false curls.[5] The dressing of the hair of a Roman lady at this period was a most important affair. So much attention did the Roman ladies devote to it, that they kept slaves especially for this purpose, called *Ornatrices*, and had them instructed by a master in the art.[6]

XXIX. One of the simple modes of wearing the hair was allowing it to fall in tresses behind, and only confining it by a band encircling the head. For an illustration of this, see wood-cut on page 301.

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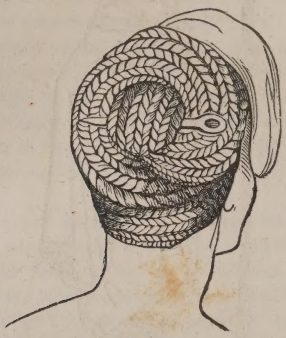
[1] *Varro, R. R.*, ii., 11, 10.
[2] *Ovid, Fast.*, ii., 30.
[3] *Juv.*, vi., 30.
[4] *Art. Am.*, iii., 136, *seqq.*
[5] *Juv., Sat.*, vi., 502.
[6] *Ovid, Art. Am.*, iii., 239 ; *Suet., Claud.*, 40.

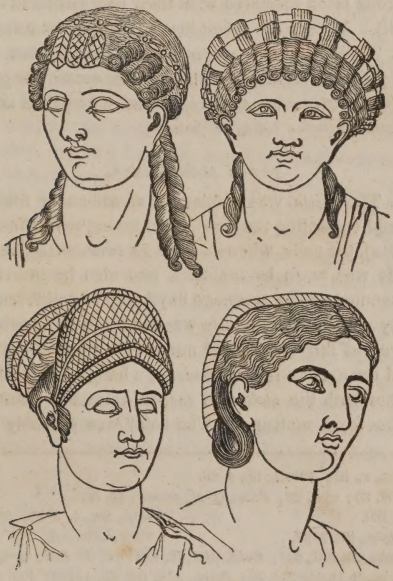
Another favorite plan was platting the hair, and then fastening it behind with a large pin, as seen in the following cut.



XXX. Most of the Grecian head-dresses were also worn by the Roman ladies. One very simple style was that of a young Greek girl, with the hair platted in front, and conducted round to the back, so as to conceal the upper part of the ears. It was then tied in a plain knot at the nape of the neck, or at other times, though less frequently, at the top of the head, both of which fashions are represented in the wood-cut subjoined.

The first cut on the following page represents the head of Juno, with the hair parted in the front, and having on the top of the head a kind of diadem, called in Latin *corona*, and in Greek *σφενδόνη*, from its resemblance to a sling. The broad part is placed above the forehead, while the two lashes act as bands to confine the hair on the side of the head, and fasten it behind. The figure is copied from an antique now in the British Museum.

The succeeding cut gives four specimens of head-dresses belonging to different periods. The first head on the left represents Octavia, the niece of Augustus; the next, Messalina, fifth wife of the Emperor Claudius; the one below, on the left, Sabina, the wife of Hadrian; and the next, Plautilla, the wife of Caracalla.



XXXI. The Roman ladies anointed their hair with the richest

perfumes.[1] Blonde hair was much prized by both the Romans and the Greeks, and hence the Roman ladies used a kind of composition, or wash, to make it appear this color. This preparation was called *Spuma Batava*, or *caustica*.[2] False hair, or wigs, were worn by both Greeks and Romans.[3]

XXXII. The Roman women frizzled or curled their hair with hot irons called *calamistra*, and which were hollow like a reed (*calamus*), whence their name. The *calamistrum* was heated in wood ashes, and the slave who performed the duty of heating it, and who aided in adjusting the hair, was called *ciniflo* or *cinerarius*,[4] and was in danger of punishment if a single lock was imperfectly placed. The common instrument of punishment against both such delinquents, and all the female slaves in general who attended upon the toilet of the mistress, was the whip (*taurea*), or else the metal mirror (*speculum*) was hurled at the head of the offender. This use of heated irons was adopted very early among the Romans,[5] and became as common among them as it has been in modern times.[6] In the age of Cicero, who frequently alludes to it, the Roman youths as well as the matrons often appeared with their hair curled in this manner (*calamistrati*). We see the result in many antique statues and busts.

XXXIII. Their hair was adorned, also, with golden ornaments, pearls, and precious stones, sometimes with crowns or garlands and chaplets of flowers (*coronæ et serta*), bound with fillets or ribbons of various colors (*crinales vittæ* vel *fasciæ*).

OTHER ADORNMENTS.

XXXIV. The *Vitta* was a species of ribbon or fillet, and was simply a band encircling the head, and serving to confine the tresses (*crinales vittæ*), the ends, when long (*longæ tænia vittæ*), hanging down behind.[7] It was worn by maidens, and also by married women, the *vitta* assumed on the marriage day being of a different form from that used by virgins.[8] The *vitta* was not worn by *libertinæ*, or freedwomen even of fair character,[9] much less by *meretrices*; hence it was looked upon as an *insigne pudoris*, a badge of a modest woman, and, together with the *stola* and *instita*, served to point out at first sight the free-born matron.[10] The color was probably a matter of

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1 *Ovid, Met.*, v., 53; *Tibull.*, iii., 4, 28.
2 *Mart.*, viii., 33; xiv., 26; *Plin., H. N.*, xxviii., 12, 51.
3 *Juv.*, vi., 120.
4 *Hor., Sat.*, i., 2, 98; *Heindorf, ad loc.*
5 *Plaut., Asin.*, iii., 3, 37.
6 *Virg., Æn.*, xii., 100.
7 *Virg., Æn.*, vii., 351, 403; *Ovid, Met.*, ii., 413; iv., 6; *Isid., Orig.*, xix., 31, 6.
8 *Propert.*, iv., 3, 15; iv., 11, 34; *Plaut., Mil. Gl.*, iii., 1, 194; *Val. Max.*, v., 2, 1.
9 *Tibull.*, i., 6, 67.
10 *Ovid, Art. Am.*, i., 31; *Rem. Am.*, 386; *Trist.*, ii., 247.

choice; white and purple are both mentioned.[1] One of those represented in the following cut (which represents the heads of statues found at Herculaneum) is ornamented with embroidery, and they were in some cases also set with pearls.[2]

XXXV. A net or caul (*reticulum*) was sometimes used for inclosing the hair behind.[3] It answered to the κεκρύφαλος of the Greeks, and was worn during the day as well as the night. It is still worn in Italy and Spain. These nets were sometimes made of gold threads,[4] sometimes of silk,[5] or the Elean byssus.[6]

XXXVI. Women used various cosmetics (*medicamina*) and washes or wash-balls (*smegmata*) to improve their color.[7] They covered their face with a thick paste made of soaked bread, which they wore at home.[8] Poppæa, the wife of Nero, invented a sort of pomade, made of bread soaked in asses' milk, and laid over her face at night. This was called, from her name, *Poppæanum*.[9] She used also to bathe in asses' milk, for the purpose of preserving the fairness and softness of her skin, and five hundred asses are said to have been daily milked for this purpose.

XXXVII. Paint (*fucus*) was employed by the Greek and Roman ladies, but the art of thus improving the complexion and visage was carried to a much greater extent by the latter than the former. Even Ovid did not disdain to write a poem on the subject, which he calls[10] "*parvus, sed cura grande, libellus, opus*;" though the genuineness of the fragment of the *medicamina faciei*, ascribed to this poet, is doubtful. The Roman ladies even went so far as to paint with blue the veins on the temples, as we may infer from Propertius. The ridiculous use of patches (*splenia*), which were common among English ladies in the reigns of Queen Anne and the first Georges, was not unknown to the Roman females.[11] The more effeminate

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1 *Ovid, Met.*, ii., 413; *Ciris*, 511; *Stat., Achill.*, i., 611.
2 *Dig.*, 34, tit. 2, s. 25, § 2.
3 *Juv.*, ii., 96.
4 *Id. ib.*; *Petron.*, 67.
5 *Salmas., Exerc. ad Solin.*, p. 392.
6 *Pausan.*, vii., 21, 7.
7 *Ovid, Med. Fac.*, 51, &c.; *Senec., Helv.*, 16.
8 *Juv.*, vi., 460.
9 *Plin., H. N.*, xi., 41; xxviii., 12, 50.
10 *Art. Am.*, iii., 206.
11 *Mart.*, ii., 29, 9; x., 22; *Plin., Ep.*, vi., 2.

of the male sex at Rome also employed paint. Cicero speaks of the *cerussatæ buccæ* of his enemy, the consul Piso.[1]

XXXVIII. The Romans took great care of their teeth by washing and rubbing them. When they lost them, they procured artificial teeth of ivory. If loose, they bound them with gold, a custom as old as the laws of the Twelve Tables, and alluded to therein.[2] Dentifrice, or tooth powder, appears to have been skilfully prepared and generally used among the Romans. A variety of substances, such as the bones, hoofs, and horns of certain animals, crabs, egg-shells, and the shells of the oyster and the murex, constituted the basis of the preparation. Having been previously burned, and sometimes mixed with honey, they were reduced to a fine powder. Though fancy and superstition often directed the choice of these ingredients, the addition of astringents, such as myrrh, or of nitre and hartshorn ground in a raw state, indicates science which was the result of experience, the intention being not only to clean the teeth and to render them white, but also to fix them when loose, to strengthen the gums, and to assuage tooth-ache.[3]

XXXIX. The Roman ladies used ear-rings (*inaures*) of various kinds. The ring was generally of gold, although the lower orders wore also ear-rings of bronze. Instead of a ring, a hook was often used, as shown in Nos. 6 and 8 of the subjoined cut. The women

[1] *In Pison.*, 11. [2] *Dirksen, Zwölf. Tafel Fragmente*, p. 688.
[3] *Plin., H. N.*, xxviii., 49; xxxi., 46; xxxii., 21.

of Italy still continue the same practice, passing the hook through the lobe of the ear without any other fastening. The drops were sometimes of gold, very finely wrought (see Nos. 2, 7, 8), and sometimes of pearls[1] and precious stones. The pearls were valued for being exactly spherical,[2] as well as for their great size and delicate whiteness; but those of an elongated form, called *elenchi*, were also much esteemed, being adapted to terminate the drop, and being sometimes placed two or three together for this purpose.[3] Pliny[4] observes that greater expense was lavished on no part of the dress than on the ear-rings. According to Seneca, the ear-ring No. 3 in the preceding cut, in which a couple of pearls are strung both above and below the precious stone, was worth a patrimony. All the ear-rings here given belong to the Hamilton collection in the British Museum. In opulent families the care of the ear-rings was the business of a female slave, who was called *Auriculæ Ornatrix*.[5] The Venus de' Medici, and other female statues, have the ears pierced, and probably once had ear-rings in them.

XL. Stays, for compressing the form into an unnatural appearance of slimness, were not known to the ancients, and would have been an abomination in their eyes. In one of the plays of Terence,[6] a severe censure is conveyed on so unnatural a taste, which is confirmed by all the monuments of art. Still we should be in error if we supposed a girl in those days, even though *vincto pectore*, was provided with stays. All they had was a bosom-band (*strophium*, *mammillare*), for the purpose of elevating the bosom, and also, perhaps, to confine in some degree the *nimius tumor*. We must not confound with this the *fascia pectoralis*,[7] which was merely worn to confine the breast in its growth, and was, consequently, not a part of the usual dress. The *strophium* was placed over the inner *tunica*,[8] and was usually made of leather.[9]

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[1] *Plin.*, *H. N.*, xi., 50; xii., 1.
[2] *Hor.*, *Epod.*, viii., 13.
[3] *Plin.*, *H. N.*, ix., 56; *Juv.*, vi., 364.
[4] *Plin.*, *H. N.*, xi., 50.
[5] *Gruter*, *Inscrip.*
[6] *Eunuchus*, ii., 3, 21; *Stallbaum*, *ad loc.*
[7] *Mart.*, xiv., 134.
[8] *Turpilius*, *ap. Non.*, xiv., 8.
[9] *Mart.*, xiv., 66; *Becker*, *Gallus*, p. 293.

CHAPTER XXIX.

CUSTOMS OF THE ROMANS.

ROMAN DRESS.

USE OF SILK AMONG THE ROMANS.—RINGS.—BARBERS.—BEARDS.—DRESS OF SLAVES.

USE OF SILK AMONG THE ROMANS.

I. The first ancient author who affords any evidence respecting the use of silk (σηρικόν, *sericum*, and also *bombycinum*) is Aristotle,[1] and the statement which he makes authorizes the conclusion that raw silk was brought from the interior of Asia, and manufactured in the island of Cos, as early as the fourth century B.C. From this island it appears that the Roman ladies obtained their most splendid garments (*Coæ vestes*), so that the later poets of the Augustan age, Tibullus,[2] Propertius,[3] Horace,[4] and Ovid[5] adorn their verses with allusions to these elegant textures, which were remarkably thin, sometimes of a fine purple dye, and variegated with transverse stripes of gold.[6]

II. About this time the Parthian conquests opened a way for the transport into Italy of all the most valuable productions of Central Asia, which was the supposed territory of the Seres. The appearance of the silken flags attached to the gilt standards of the Parthians, in the battle fought B.C. 54,[7] must have been a very striking sight for the army of Crassus.

III. The inquiries of the Romans respecting the nature of this beautiful manufacture led to a very general opinion that silk in its natural state was a thin fleece found on trees.[8] The term "*Coan* vestment" now went gradually out of use, and in its place mention was made of the "*Seric* web." This change took place after the age of Augustus, and the rage for the latter article increased more and more, so that even men at last aspired to be adorned with silk, and hence the senate, early in the reign of Tiberius, enacted "*Ne vestis Serica viros fœdaret.*"[9]

IV. In the succeeding reigns we find the most vigorous measures adopted by those emperors who were characterized by severity of

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1 *Hist. An.*, v., 19. 2 *Tibull.*, ii., 4. 3 *Propert.*, i., 2; ii., 1; iv., 2; iv., 5.
4 *Horat., Od.*, iv., 13, 13; *Sat.*, i., 2, 101. 5 *Ovid, Art. Am.*, ii., 298.
6 *Tibull.*, ii., 6. 7 *Flor.*, iii., 11.
8 *Virg., Georg.*, ii., 121; *Petron.*, 119; *Seneca, Hippol.*, 386, &c.
9 *Tac., Ann.*, ii., 33; *Dion Cass.*, lvii., 15.

manners, to restrict the use of silk, while Caligula and others, notorious for luxury and excess, not only encouraged it in the female sex, but delighted to display it in public on their own persons.[1] Shawls and scarves, interwoven with gold, and brought from the remotest East, were accumulated in the wardrobe of the empress during successive reigns,[2] until, in 176 A.D., Antoninus the philosopher, in consequence of the exhausted state of his treasury, sold them by public auction in the forum of Trajan with the rest of the imperial ornaments.[3]

V. At this period we find that the silken texture, besides being mixed with gold, was adorned with embroidery, this part of the work being executed either in Egypt or Asia Minor.[4] The Christian authors, from Clemens Alexandrinus[5] and Tertullian[6] downward, discourage or condemn the use of silk. Plutarch also dissuades the virtuous and prudent wife from wearing it,[7] although it is probable that ribands for dressing the hair[8] were not uncommon, since these goods (*Serica*) were procurable in the *vicus Tuscus* at Rome.[9] Silk thread was also imported and used for various purposes.[10]

VI. Although Commodus in some degree replenished the palace with valuable and curious effects, including those of silk,[11] this article soon afterward again became very rare, so that few writers of the third century make mention of it. When finely manufactured, it sold for its weight in gold, on which account Aurelian would not allow his empress to have even a single shawl of purple silk (*pallio blatteo serico*[12]). The use of silk with a warp of linen or wool, called *tramoserica* and *subserica*, as distinguished from *holoserica*, was permitted under many restrictions. About the end, however, of the third century, silk, especially when woven with a warp of inferior value, began to be much more generally worn both by men and women; and the consequence was, that, in order to confine the enjoyment of this luxury more entirely to the imperial family and court, private persons were forbidden to engage in the manufacture, and gold and silken borders (*paragaudæ*) were allowed to be made only in the imperial gynæcea.

VII. The production of raw silk (*μέταξα*) in Europe was first attempted under Justinian, A.D. 530. The eggs of the silk-worm were conveyed to Constantinople in the hollow stem of a plant from "Se-

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1 *Suet.*, *Calig.*, 52; *Dion Cass.*, lix., 12.
2 *Martial*, xi., 9.
3 *Capitol.*, *Vit. Ant.*, 17.
4 *Lucan*, x., 141; *Senec.*, *Herc. Œt.*, 664.
5 *Pædag.*, ii., 10.
6 *De Pallio.*, 4.
7 *Conj. Præc.*, p. 550, vol. vi., *ed. Reiske.*
8 *Martial*, xiv., 24.
9 *Id.*, xi., 27.
10 *Galen*, Περὶ Διάγν., vol. vi., p. 533, *ed. Chartier.*
11 *Capitol.*, *Pertin.*, 8.
12 *Vopisc.*, *Aurel.*, 45.

rinda," which was probably Khotan in Little Bucharia, by some monks, who had learned the method of hatching and rearing them. The worms were fed with the leaf of the black or common mulberry.[1] The cultivation both of this species and of the white mulberry, the breeding of silk-worms, and the manufacture of their produce, having been long confined to Greece, were at length, in the twelfth century, transported into Sicily, and thence extended over the south of Europe.[2] The silks woven in Europe previously to the thirteenth century were, in general, plain in their pattern. Many of those produced by the industry and taste of the Seres, that is, the silk manufacturers of the interior of Asia, were highly elaborate, and appear to have been very similar, in their patterns and style of ornament, to the Persian shawls of modern times.

RINGS.

VIII. The custom of wearing rings was believed to have been introduced into Rome by the Sabines, who are described in the early legends as wearing gold rings with precious stones (*gemmati annuli*[3]) of great beauty. Florus[4] states that it was introduced from Etruria in the reign of Tarquinius Priscus, and Pliny[5] derives it from Greece. But, at whatever time rings may have become customary at Rome, thus much is certain, that at first they were always of iron, that they were destined for the same purpose as in Greece, namely, to be used as seals, and that every free Roman had a right to use such a ring. This iron ring was used down to the last period of the republic by such men as loved the simplicity of the good old times. Marius wore an iron ring in his triumph over Jugurtha, and several noble families adhered to the ancient custom and never wore gold ones.[6]

IX. When senators in the early times of the republic were sent as ambassadors to a foreign state, they wore during the time of their mission gold rings, which they received from the state, and which were perhaps adorned with some symbolic representation of the republic, and might serve as a state seal. But ambassadors used gold rings only in public; in private they wore their iron ones.[7] In the course of time it became customary for all the senators, chief magistrates, and at last for the equites also, to wear a gold seal-ring.[8] This right of wearing a gold ring, which was subsequently

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1 *Procop., B. Goth.*, iv., 17; *Glycas, Ann.*, iv., p. 209.
2 *Frisingen, Hist. Imp. Frider.*, i., 33; *Man. Comnenus*, ii., 8.
3 *Liv.*, i., 11; *Dionys.*, ii., 38.
4 *Flor.*, i., 5.
5 *Plin., H. N.*, xxxiii., 4.
6 *Id. ib.*, xxxiii., 6.
7 *Id. ib.*, xxxiii., 4.
8 *Liv.*, ix., 7, 46; xxvi., 36; *Cic., Verr.*, iv., 25; *Liv.*, xxiii., 12.

called the *jus annuli aurei*, or the *jus annulorum*, remained for several centuries at Rome the exclusive privilege of senators, magistrates, and equites, while all other persons continued to use iron ones.[1]

X. Magistrates and governors of provinces seem to have had the right of conferring upon inferior officers, or such persons as had distinguished themselves, the privilege of wearing a gold ring. Verres thus presented his secretary with a gold ring in the assembly at Syracuse.[2] During the empire the right of granting the *annulus aureus* belonged to the emperors, and some of them were not very scrupulous in granting this privilege. Augustus gave it to Menas, a freedman, and to Antonius Musa, the physician.[3] In A.D. 22, the Emperor Tiberius ordained that a gold ring should only be worn by those *ingenui* whose fathers and grandfathers had had a property of four hundred thousand sesterces, and not by any freedman or slave.[4] But this restriction was of little avail, and the ambition for the *annulus aureus* became greater than it had ever been before.[5] The Emperors Severus and Aurelian conferred the right of wearing gold rings upon all Roman soldiers;[6] and Justinian at length allowed all the citizens of the empire, whether *ingenui* or *libertini*, to wear such rings.

XI. The practical purposes for which rings, or, rather, the figures engraved on them, were used at all times, were the same as those for which we use our seals. Besides this, however, persons, when they left their houses, used to seal up such parts as contained stores or valuable things, in order to secure them from the pilfering of their slaves.[7] The ring of a Roman emperor was a kind of state-seal, and the emperor allowed the use of it sometimes to such persons as he wished should be regarded as his representatives.[8] The keeping of the imperial seal-ring was intrusted to an especial officer.[9]

XII. The signs or emblems engraven on rings were very various, as we may judge from the specimens still extant: they were portraits of ancestors or friends, subjects connected with mythology, or the worship of the gods; and in many cases a person had engraved upon his seal symbolical allusions to the real or mythical history of his family.[10] Sulla thus wore a ring with a gem, on which Ju-

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[1] *Appian., de Reb. Pun.*, 104.

[2] *Cic., Verr.*, iii., 76, 80; *Ep. ad Fam.*, x., 32; *Suet., Cæs.*, 39.

[3] *Dion Cass.*, xlviii., 48; liii., 30.

[4] *Plin., H. N.*, xxxiii., 8.

[5] *Plin., Epist.*, vii., 26; viii., 6; *Suet., Galb.*, 12.

[6] *Herodian.*, iii., 8; *Vopisc., Aurel.*, 7.

[7] *Plaut., Cas.*, ii., 1, 1; *Cic., Ep. ad Fam.*, xvi., 26; *de Orat.*, ii., 61; *Mart.*, ix., 88.

[8] *Dion Cass.*, lxvi., 2.

[9] *Justin., Hist.*, xliii., 5.

[10] *Cic. in Cat.*, iii., 5; *Val. Max.*, iii., 5, 1; *Cic., de Fin.*, v., 1.

gurtha was represented at the moment he was made prisoner.[1] Pompey used a ring on which three trophies were represented;[2] and Augustus at first sealed with a sphinx, afterward with a portrait of Alexander the Great, and at last with his own portrait, which was subsequently done by several emperors.[3]

XIII. The principal value of a ring consisted in the gem framed in it, or rather in the workmanship of the engraver. The stone most frequently used was the onyx, on account of its various colors, of which the artists made the most skillful use. In the art of engraving figures upon gems, the ancients, in point of beauty and execution, far surpass every thing in this department that modern art can boast of. The ring itself, in which the gem was set, was likewise, in many cases, of beautiful workmanship. The part of the ring which contained the gem was called *Pala*.

XIV. With the increasing love of luxury and show, the Romans, as well as the Greeks, covered their fingers with rings. Some persons also wore rings of immoderate size, and others used different rings for summer and winter.[4]

BARBERS.

XV. The Latin term for a barber is *tonsor*. The word employed in modern European languages is derived from the low Latin *barbatorius*, which is found in Petronius. The Romans in early times wore the beard uncut, as we learn from the insult offered by the Gaul to M. Papirius, when Rome was taken by Brennus,[5] and also from Cicero.[6] According to Varro,[7] the Roman beards were not shaven until B.C. 300, when P. Ticinius Mænas brought over a barber from Sicily; and Pliny[8] adds, that the first Roman who was shaved (*rasus*) every day was Scipio Africanus.

XVI. The barber of the ancients was a far more important personage than his modern representative. Men had not often the necessary implements for the various operations of the toilet, such as combs, mirrors, perfumes, and tools for clipping, cutting, shaving, &c. Accordingly, the whole process had to be performed at the barber's, and hence the great concourse of people who daily gossipped at the *tonstrina*, or barber's shop. Besides the duties of a barber and hair-dresser, strictly so called, the ancient *tonsor* discharged other offices. He was also a nail-parer. He was, in fact, much

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1 *Plin., H. N.*, xxxvii., 4; *Plut., Vit. Mar.*, 10.
2 *Dion Cass.*, xliii., 18.
3 *Plin., l. c.*; *Suet., Aug.*, 50; *Dion Cass.*, li., 3; *Spartian., Hadr.*, 26.
4 *Quintil.*, xi., 3; *Juv.*, i., 28; *Mart.*, xi., 59; xiv., 123.
5 *Liv.*, v., 41.
6 *Pro Cœl.*, 14.
7 *R. R.*, ii., 11.
8 *Plin., H. N.*, vii., 59.

what the English barber was when he extracted teeth, as well as cut and dressed hair.

XVII. The business, therefore, of the ancient barber was threefold. *First*, there was the cutting of hair, for which purpose he used various knives of different sizes and shapes, and degrees of sharpness; and scissors also (*forfex*, *axicia*). Irregularity and unevenness of the hair was considered a great blemish,[1] and accordingly, after the hair-cutting, the uneven hairs were pulled out by tweezers.[2] The person who was to be operated upon by the barber had a rough cloth laid on his shoulders, as now, to keep the hairs off his dress, &c.[3] The *second* part of the barber's business was shaving (*radere*, *rasitare*), which will be noticed more at large when we come to treat of beards. The *third* part was to pare the nails of the hands.[4] The instruments used for this purpose are referred to generally by Martial.[5]

BEARDS.

XVIII. We have already remarked that the first barber was brought to Rome B.C. 300, and that the first Roman who was shaved every day was Scipio Africanus. His custom, however, was soon followed, and shaving became a regular thing. The lower orders, then as now, were not always able to do the same, and hence the jeers of Martial.[6] In the later times of the republic there were many who shaved the beard only partially, and trimmed it so as to give it an ornamental form: to these the terms *bene barbati*[7] and *barbatuli*[8] are applied. When in mourning, all the higher as well as the lower orders let their beards grow.

XIX. In the general way in Rome at this time, a long beard (*barba promissa*)[9] was considered a mark of slovenliness and *squalor*. The censors L. Veturius and P. Licinius compelled M. Livius, who had been banished, on his restoration to the city, to be shaved, and to lay aside his dirty appearance (*tonderi et squalorem deponere*), and then, but not till then, to come into the senate.[10] The first time of shaving was regarded as the beginning of manhood, and the day on which this took place was celebrated as a festival.[11] There was no particular time fixed for this to be done. Usually, however, it was done when the young Roman assumed the *toga virilis*.[12] Augustus did it in his twenty-fourth year; Caligula in his twentieth. The

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1 *Horat.*, *Sat.*, i., 3, 31; *Epist.*, i., 1, 94.
2 *Pollux*, ii., 34.
3 *Plaut.*, *Capt.*, ii., 2, 17.
4 *Plaut.*, *Aulul.*, ii., 4, 34.
5 *Mart.*, *Epigr.*, xiv., 36.
6 *Id. ib.*, vii., 95; xii., 59.
7 *Cic. in Cat.*, ii., 10.
8 *Id. ad Att.*, i., 14, 16.
9 *Liv.*, xxvii., 34.
10 *Id. ib.*
11 *Juv.*, iii., 186.
12 *Suet.*, *Calig.*, 10.

hair cut off on such occasions was consecrated to some god. Thus Nero put his up in a gold box set with pearls, and dedicated it to Jupiter Capitolinus.[1]

XX. With the Emperor Hadrian the beard began to revive.[2] Plutarch says that the emperor wore it to hide some scars on his face. The practice afterward became common, and till the time of Constantine the Great, the emperors appear in busts and on coins with beards. The Romans, as already remarked, let their beards grow in time of mourning; so Augustus did[3] for the death of Julius Cæsar, and the time when he had it shaved off he made a season of festivity.[4] The Greeks, on the other hand, on such occasions shaved the beard close.

XXI. Shaving was performed with a razor (*novacula*), which was kept in a case. Some, who would not submit to the operation of the razor, used instead some powerful depilatory ointments or plasters, such as *psilothron*, *venetum lutum*, and *dropax*. Stray hairs which escaped the razor were pulled out with small pincers or tweezers.

XXII. In great families there were slaves for dressing the hair and for shaving, and for paring the nails; sometimes female slaves (*tonstrices*) did this.

DRESS OF SLAVES.

XXIII. Slaves were dressed nearly in the same manner with the poorer classes, in clothes of a darkish color (*pullati*), and slippers (*crepidati*); hence *vestis servilis*. Strictly speaking, however, there was no distinctive dress for slaves. It was once proposed in the senate to give slaves a distinctive costume, but this was rejected on the ground of its being dangerous to show them their numbers.[5] Slaves, as heretofore remarked, shaved their head when manumitted, and put on a *pileus*, or cap.

Feb. 20. 1852.

CHAPTER XXX.

ROMAN MEALS, &c.

JENTACULUM.—PRANDIUM.—CŒNA.—TRICLINIUM.—COUCHES.—TABLES.—TABLE UTENSILS.

I. In the following account of Roman meals, we take the ordinary life of the middle ranks of society in the Augustan age, noticing incidentally the most remarkable deviations either on the side of primitive simplicity or of later refinement.

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[1] *Suet., Ner.*, 12. [2] *Dion Cass.*, lxviii., 15. [3] *Suet., Aug.*, 23.
[4] *Dion Cass.*, xlviii., 34. [5] *Sen., de Clem.*, i., 24.

JENTACULUM.

II. *Jentaculum* or *Jantaculum* was the name of the first meal, eaten early in the morning. The word is derived, according to Isidorus,[1] *a jejunio solvendo*, and answers to the Greek ἀκράτισμα. Festus tells us that it was also called *prandicula* or *silatum*.

III. Though by no means uncommon, it does not appear to have been usual, except in the case of children, or sick persons, or the luxurious, or, as Nonius[2] adds, of laboring men. An irregular meal (if we may so express it) was not likely to have any very regular time. Two epigrams of Martial, however, seem to fix the hour at about three or four o'clock in the morning.[3] Generally speaking, it consisted of bread seasoned with salt, or some condiment, and eaten with dried grapes, olives, cheese, and so forth.[4] Some took milk and eggs besides, and *mulsum*, a mixture of honey with wine or with must.[5]

PRANDIUM.

IV. Next to the *Jentaculum* followed the *Prandium*, or luncheon, with persons of simple habits a frugal meal. From Seneca's[6] account of it, we learn incidentally that it was a hasty meal, such as sailors[7] and soldiers[8] partook of when on duty, without sitting down. The *prandium*, indeed, seems to have originated in these military meals, and a doubt has been entertained whether in their ordinary life the Romans took food more than once in the day.

V. The *prandium* is called by Suetonius[9] *cibus meridianus*, and was usually taken about twelve or one o'clock. Many persons, however, might begin earlier, as Saturio in Plautus[10] answers Toxilus, "*nimis pæne mane est.*" So Cicero[11] says of Antony, "*ab hora tertia bibebatur;*" and people generally regulated the meal according to circumstances, as Horace, on his journey to Brundisium, who would scarcely wait for the sixth hour, or twelve o'clock.[12] The words of Festus, "*cœna apud antiquos dicebatur, quod nunc prandium,*" have given much trouble to critics, perhaps needlessly, when we remember the change of hours in modern days. If we translate *cœna*, as, according to our notions, we ought to do, by "dinner," they describe exactly the alteration in modern manners, especially in England. The analogy of the Greek word δεῖπνον, which, according to Athenæus, was used in a similar way for ἄριστον, also affords assistance.

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1 *Orig.*, xx., 2, 10. 2 *De Re Cib.*, i., 4. 3 *Mart.*, xiv., 2, 33; viii., 67, 9.
4 *Vopisc., Tac.*, 11. 5 *Lamprid., Alex. Sev.*, 30. 6 *Ep.*, 84.
7 *Juv., Sat.*, vi., 101. 8 *Liv.*, xxviii., 14. 9 *Aug.*, 78.
10 *Pers.*, i., 3, 33. 11 *Phil.*, ii., 41. 12 *Sat.*, i., 5, 25.

VI. Another meal, termed *merenda*, is mentioned by Isidorus and Festus, for which several refined distinctions are proposed, but it is not certain that it really differed from the *prandium*.[1]

VII. We learn from Plautus[2] of what the *prandium* consisted in his time. Phædromus[3] mentions *pernam, abdomen, sumen, suis glandium.* It consisted of warm as well as cold dishes, frequently of the remains of the *cœna* of the previous day. In later times, however, they were not satisfied with these dishes, but *olera*, fish, eggs, &c., were added, and *mulsum*, wine, and especially the seductive *calda*, warm wine and water spiced, was drunk with it. Many frugal people, however, took a very simple *prandium*, as, for instance, the elder Pliny.[4]

CŒNA.

VIII. The principal meal was the last in the day, and was called *Cœna.* The proper time for this repast was about half way between midday and sunset, that is, the ninth hour; but as this, in winter, began at half past one, the time for business would have been too much broken in upon thereby, and the *cœna* was then deferred till an hour later, by which means it was brought to about the same time as in summer; for in summer the ninth hour began at two hours thirty-one minutes, and the tenth, in winter, two hours thirteen minutes. The ninth hour, therefore, is generally named as the hour of the *cœna.*[5]

IX. Of course, the time for the *cœna* is only reckoned approximately, and no doubt, when busy, they dined later.[6] Many, on the contrary, began the meal earlier than the ninth hour. When protracted till late in the night or till morning, it was called *cœnare in lucem.* Such *convivia* were called in both cases *tempestiva.* Even with the more frugal people, the *cœna* was of pretty long duration.[7] As business was quite over, and all the rest of the day belonged to recreation, there was no necessity for curtailing the meal.

X. The cœna consisted of three parts: 1. *Promulsis.* 2. *Fercula.* 3. *Mensæ Secundæ.*

1. *Promulsis*, or *Antecœna*, called also by later writers *Gustus* or *Gustatio.* This, according to Petronius, was made up of dishes designed more to excite than to satisfy hunger. It contained also all sorts of vegetables to help digestion,[8] also shell and other fish easy of digestion, with piquant sauces, &c. The supposition that the

[1] *Non.*, p. 28; *Isid., Orig.*, xx., 2, 12; *Becker's Gallus*, p. 359.
[2] *Menæchm.*, i., 3, 25.
[3] *Curc.*, ii., 344.
[4] *Plin., Epist.*, iii., 5, 10.
[5] *Becker's Gallus*, p. 360.
[6] *Mart.*, vii., 5, 11.
[7] Compare *Plin., Epist.*, iii., 5, 13.
[8] *Mart.*, xiv., 14; *Heindorf, ad Hor., Sat.*, ii., 4, 59.

meal began with eggs, whence Acron[1] explains the common saying *ab ovo ad mala*, agrees very well with the language of Cicero,[2] who means that his hunger lasts from the beginning to the end. During the *promulsis*, they also generally took *mulsum*, as wine alone was thought too heating for the empty stomach.[3] The name *promulsis* was given to the *gustatio*, not because the viands were taken before the *mulsum*, but because they with it formed the whet.

2. *Fercula*, or different courses. It would far exceed the limits of a much larger work than the present to mention all the dishes that formed the several courses of a Roman *cœna*. Of birds, the Guinea-hen (*Afra avis*), the pheasant (*phasiana*, so called from the Phasis, a river of Colchis), and the thrush, were most in repute; the liver of a capon, steeped in milk, and becaficoes (*ficedulæ*) dressed with pepper, were held a delicacy.[4] The peacock, according to Macrobius,[5] was first introduced by Hortensius the orator, at an inaugural supper, and acquired such repute among the Roman gourmands as to be commonly sold for fifty denarii. Other birds are also mentioned, as the duck (*anas*[6]), especially its head and breast; the woodcock (*attagen*), the turtle, and flamingo (*phœnicopterus*[7]), the tongue of which, Martial tells us, especially commended itself to the delicate palate.

Of fish, the variety was, perhaps, still greater: the char (*scarus*), the turbot (*rhombus*), the sturgeon (*acipenser*), the mullet (*mullus*), were all highly prized, and dressed in the most various fashions. In the banquet of Nasidienus, a lamprey (*muræna*) is brought, garnished with prawns swimming in the sauce.

Of solid meat, pork seems to have been the favorite dish, especially sucking-pig;[8] the paps of a sow served up in milk, the flitch of bacon, the womb of a sow, are all mentioned by Martial. Boar's flesh and venison were also in high repute, especially the former, described by Juvenal as "*animal propter convivia natum.*"[9] Condiments were added to most of these and other dishes; such were the *muria*, a kind of pickle made of the tunny-fish;[10] the *garum sociorum*, made from the intestines of the mackerel (*scomber*), and so called because brought from abroad; *alec*, a sort of brine; *fæx*, the sediment of wine, &c., for the receipts of which we must refer to Catius's learned instructor, in Horace.[11] Several kinds of *fungi* are mentioned: trufles (*boleti*), mushrooms (*tuberes*), which either made dishes by themselves, or formed the garniture for larger dishes.

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1 *Ad Hor., Sat.*, i., 1, 36.
2 *Ep. ad Fam.*, ix., 20.
3 *Hor., Sat.*, ii., 4, 24.
4 *Mart.*, iii., 5.
5 *Sat.*, ii., 9.
6 *Mart.*, xiii., 52.
7 *Mart.*, xiii., 71.
8 *Id.*, xiii., 41.
9 *Sat.*, i., 151.
10 *Mart.*, xiii., 103.
11 *Sat.*, ii., 4.

It must not be supposed that the *artistes* of imperial Rome were at all behind our own times in the preparation and arrangements of the table. In a large household, the functionaries to whom this important part of domestic economy was intrusted were four, the butler (*promus*), the cook (*archimagirus*), the arranger of the dishes (*structor*), and the carver (*carptor* or *scissor*). Carving was taught as an art, and, according to Petronius,[1] was performed to the sound of music, with appropriate gesticulations.

3. The *Mensæ Secundæ* answered to our dessert.[2] It consisted of pastry; of fruits, which the Romans usually ate uncooked, such as almonds (*amygdalæ*), dried grapes (*uvæ passæ*), dates (*palmulæ*, *laryotæ*, *dactyli*); sweetmeats and confections (*edulia mellita*, *dulciaria*), such as cheese-cakes (*cupediæ*, *crustula*, *placentæ*), almond-cakes (*coptæ*), tarts (*scribilitæ*), whence the maker of them was called *pistor dulciarius*, *placentarius*, *libarius*, &c., and, finally, of dishes made only to be looked at, and called by the Grecian name of *epideipnides*.[3]

TRICLINIUM.

XX. The *Triclinium* was the dining-room of a Roman house, and derived its name from the three couches (τρεῖς, κλῖναι) which it contained. There does not appear to have been any special eating-rooms in the old Roman house, but large apartments for general use answered the purpose; in the city, the *atrium*, and in the country, the *chors*.

XXI. Among the Romans, the usual number of persons occupying each couch was three, so that the three couches of a *triclinium* afforded accommodation for a party of nine. It was the rule of Varro[4] that the number of the guests ought not to be less than that of the Graces, nor more than that of the Muses. Sometimes, however, as many as four lay on each of the couches.[5] Among the Greeks, it was customary for only two persons to recline on each couch.

XXII. The general superintendence of the *triclinium* was intrusted to a slave called *tricliniarcha*, who, through the instrumentality of other slaves of inferior rank, took care that every thing was kept and proceeded in proper order.

XXIII. A distinction must be made between the *cœnatio* and the *triclinium*. The former appears to be a general term applied to any kind of eating-room, as well to the sumptuous banqueting halls of the golden palace of Nero[6] as to the ordinary dining parlor of Pliny's villa.[7] Like the *cœnaculum*, it was situate up stairs, and in

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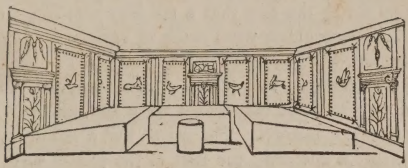
1 *Petron.*, 35, 36. 2 *Gell.*, xiii., 11. 3 *Mart.*, xi., 31; *Petron.*, 69.
4 *Gell.*, *l. c.* 5 *Hor.*, *Sat.*, i., 4, 86. 6 *Suet.*, *Ner.*, 31.
7 *Plin.*, *Ep.*, ii., 17, 10; v., 6, 21.

this respect also differed from the *triclinium*, which in the Pompeian houses is always placed upon the ground floor.

XXIV. The *triclinium* was usually of an oblong shape, and, according to Vitruvius,[1] ought to be twice as long as it was broad. The same author describes *triclinia* evidently intended to be used in summer, which were open toward the north, and had on each side a window looking into a garden. The "house of the tragic poet" at Pompeii, and also that of Actæon, appear to have had summer dining-rooms opening to the *viridarium*. The following wood-cut shows the arrangement of the three couches, from which the *triclinium* derived its name. The pedestal in the centre is intended to receive the table.



COUCHES, &c.

XXV. The Romans at first sat at meals, as did also the Greeks. At a later period the practice of reclining was introduced, which is said to have first come in from the East. Even after this, however, in the time of the early Roman emperors, children in families of the highest rank used to *sit* together at an inferior table, while their fathers and elders reclined on couches at the upper end of the room.[2]

XXVI. Roman ladies continued the practice of *sitting* at table even after the recumbent position had become common with the other sex.[3] It appears to have been considered more decent, and more agreeable to the severity and purity of ancient manners, for women to sit, more especially if many persons were present. But, on the other hand, we find cases of women reclining, where there was conceived to be nothing bold or indelicate in their posture.

XXVII. Before lying down the shoes or sandals were taken off, in order not to soil the covering of the couch. These coverings were always more or less gorgeous in the dwellings of the rich, and were generally of a purple color, often embroidered with beautiful figures in silver and gold. The places most celebrated for the man-

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[1] *Vitruv.*, vi., 3, 8. [2] *Tac., Ann.*, xiii., 16; *Suet., Aug.*, 65; *Claud.*, 32.
[3] *Varro, ap. Isid. Orig.*, xx., 11; *Val. Max.*, ii., 1, 3.

ufacture of splendid couch covers were Miletus, Corinth, and Carthage.[1] The cushions and pillows were likewise covered with magnificent casings. The mattresses, cushions, and pillows were, in earlier times, filled with dry herbs or straw; but in subsequent times wool, and at a still later period feathers were used for this purpose by the wealthy. The ticking of the mattress, &c., was called *operimentum* or *involucrum*; the coverlets were termed *stragula* and *vestes stragulæ*, and also *peristromata* and *peripetasmata*. The *toralia*, according to the best opinion, were the hangings with which the couch was draped from the mattress to the floor.

XXVIII. The couches themselves were low. All the tables that have been discovered are considerably lower than ours, which may be accounted for by the fact that a tall tray was frequently placed upon them. The couches were made of various kinds of valuable wood. The feet were sometimes made of silver or gold; at other times they were covered with plates of these metals. The couches had girths, on which the mattresses were laid, and over these last the coverlets were thrown. The couch had a railing along at one end,[2] where lay a cushion; the rest of the places were separated by pillows. On this railing the person rested with his left arm. According to the common account, the guests, while eating, leaned upon the left elbow, and employed the right hand in taking food. Others, however, though it would seem with less correctness, think that leaning on the left elbow was not the posture observed throughout the whole entertainment, but that each man, in order to feed himself, lay flat upon his breast, or nearly so, and stretched out both his hands toward the table; and afterward, when his hunger was satisfied, turned upon his left side, and then leaned upon his elbow.[3]

XXIX. In eating, the Romans, like the Greeks, used no knives or forks, but made use of their fingers only, except in taking soups or other liquids, when they employed a spoon. Sometimes the Greeks, instead of a spoon, used a hollowed piece of bread.[4] This circumstance of forks not being invented in ancient times gave occasion to the use of napkins (*mappæ*) at meals, to wipe the fingers.[5] Hence, too, when the meal was finished, and even before it commenced, an apparatus was carried around for washing the hands. A basin (*malluvium*)[6] was held under the hands to receive the water, which was poured upon them out of a ewer (*urceolus*). The boy or slave who poured out the water also held a towel for wiping the hands dry.

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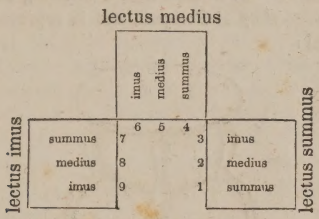
[1] *Aristoph.*, *Ran.*, 410, 542; *Schol.*, *ad loc.*; *Cic. in Verr.*, i., 34, &c.
[2] *Becker's Gallus*, p. 364.
[3] *Sat.*, ii., 4, 39.
[4] *Pollux*, vi., 87; x., 89.
[5] *Xen.*, *Cyrop.*, i., 3, 51.
[6] *Festus*, *s. v.*

The subject of napkins, &c., however, belongs properly to the head of table utensils.

XXX. The relative positions of two persons who lay next to one another on the same couch are commonly expressed by the prepositions *super* or *supra* and *infra*. The head of the second or lower was opposite to the breast of the first, so that if he wanted to speak to him, especially if the thing was to be secret, he was obliged to lean, as it were, upon his bosom, *in sinu ejus recumbere*.[1] The usual expressions to denote taking the place at table are, when alluding to the whole company, *discumbere*; when of one in particular, *decumbere*, or, more generally, *accumbere*; where *mensæ* or something else must be supplied. *Accubare* ought properly to apply to a person already reclining, but it is also interchanged with *accumbere*. *Recubare*, *cubare*, *jacēre*, are, if used, to be taken as more general expressions, having no particular reference to the table.[2]

XXXI. The three couches, or *lecti*, forming the *triclinium*, differed much in point of rank, as did also the particular places on each. They were called respectively *summus*, *medius*, and *imus*, which names were also given to the places on each couch. The *lectus medius* explains itself, and it was, moreover, the most honorable of the three. The *lectus summus* stood to the left of the *medius*, and the *imus* to the right of it. The three couches thus placed formed three sides of a square, as in the following diagram:



Next, as to the places on each couch. Supposing the preceding diagram to represent the plan of a *triclinium*, it is evident that, as each guest reclined on his left side, the countenances of all were directed, when in this position, first, from No. 1 toward No. 3, then from No. 4 toward No. 6, and, lastly, from No. 7 toward No. 9; that the guest No. 1 lay, in the sense already explained, *above* No. 2; No. 3 *below* No. 2, and so of the rest; and that, going in the same direction, the couch to the right hand, in the diagram, was *above* the others, and the couch to the left hand *below* the others.

XXXII. On each couch the highest place was the most honorable,

[1] *Plin., Ep.*, iv., 22. [2] *Becker's Gallus*, p. 367.

and then, in succession, the middle and the lowest. But to this rule the middle couch was a special exception. The most honorable place on this was the *imus* or lowest, and as the middle couch itself was the most honorable of the three, the *imus locus* on this was the seat of honor of the whole *triclinium*, and was always left for the most important person. Hence it was also called *locus consularis*, because, if a consul was present, it was occupied by him, since, according to Plutarch,[1] he could in that place best settle any matters of business, if, for instance, intelligence, or papers, requiring his signature, happened to be brought to him.

XXXIII. When the use of round tables became common under the emperors, the ordinary couches no longer answered, and were therefore changed for semicircular sofas. Such a sofa was called *Sigma*,[2] from its resemblance to the ancient form of the Greek *sigma* (namely C). The round tables (the costly *orbes citrei*) were of no very great size, and hence the *sigmata* were arranged for less than nine persons, namely, six, seven, or eight. On such a *sigma* the order of places ran straight on, beginning where, in the old arrangement, the *locus summus* of the highest couch had been.

MENSÆ.

XXXIV. The simplest kind of table was one with three legs, and round, called *cilliba*.[3] It is shown in a drinking scene painted on the wall of a wine-shop at Pompeii, and is represented in the following wood-cut:

In paintings on vases, however, the tables are usually represented with four legs, being the Greek τράπεζα. Horace used at Rome a dining table of white marble, thus combining neatness with economy.[4]

XXXV. For the houses of the opulent, tables were made of the most valuable and beautiful kinds of wood, especially of maple (*acerna mensa*[5]), or of the *citrus* of Africa, which was a species of

[1] *Sympos.*, v., 6. [2] *Mart.*, ix., 48. [3] *Festus, s. v.*
[4] *Hor.*, *Sat.*, i., 6, 116. [5] *Id. ib.*, ii., 8, 10; *Mart.*, xiv., 90.

cypress or juniper (*citrea mensa*[1]). For this purpose the Romans made use of the roots and tubers of the tree, which, when cut, displayed the greatest variety of spots, beautiful waves, and curling veins. The finest specimens of tables so adorned were sold for many thousand pounds.[2] Besides the beauty of the wood, the legs of these tables were often very tasteful, being carved in imitation of lions' or tigers' feet, and made of ivory.[3]

XXXVI. One of the principal improvements was the invention of the *monopodium*, a round table (*orbis*) supported by a single foot; this, with other kinds of elegant furniture, was introduced into Rome from Asia Minor by Cn. Manlius.[4] Under the Roman emperors, as already remarked, semicircular tables were introduced, called *sigmata;* and also *mensæ lunatæ*, from their resemblance to a half moon. This semicircular table was, as we have already said, placed before a sofa of the same form.

XXXVII. As the table was not very large, it was usual to place the dishes and the various kinds of meat upon it, and then to bring it thus furnished to the place where the guests were reclining; hence we find in the ancient writers such phrases as *mensam apponere*, *mensam auferre*, *mensæ secundæ*, &c. As the board of the table is called by a distinct name in Greek (ἐπίθημα[5]), it appears that it was very frequently made separate from the stand on which it was placed.

XXXVIII. Among the Greeks the tables were not covered with cloths at meals, but were cleansed by the use of wet sponges[6] or of fragrant herbs.[7] Among the Romans, table-cloths (*mantelia*) were not introduced until a very late period, and the tables were wiped before this with a thick cloth called *gausape*,[8] having a long woolly nap, and generally of a purple color. The table appears to have been rubbed between the divisions of the meal. Any covering, indeed, would have hidden from view the costly wood of which the table was made.

XXXIX. Under the influence of the ideas of hospitality, which have prevailed universally in primitive stages of society, the table was considered sacred.[9] Small statues of the gods were placed upon it,[10] and among the Greeks, Hercules was worshipped under the title of τραπέζιος and ἐπιτραπέζιος.

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1 *Cic., Verr.*, iv., 17; *Mart.*, xiv., 90; *Plin., H. N.*, xiii., 29.
2 *Plin., l. c.;* xvi., 26, 84; *Tertull., de Pallio, sub fin.* 3 *Mart.*, ii., 43, 9.
4 *Plin., H. N.*, xxxiv., 8. 5 *Pollux*, x., 81. 6 *Hom., Od.*, i., 111; xx., 151.
7 *Ovid, Met.*, viii., 665. 8 *Hor., Sat.*, ii., 8, 11. 9 *Juv.*, ii., 110.
10 *Arnob. contra Gentes*, lib. ii.

TABLE UTENSILS.

XL. As the *triclinium*, with the company reclining, presented a very different appearance from our tables, surrounded by chairs, so the equipment of the table very little resembled ours. Table-cloths do not appear, as already remarked, to have been introduced till very late, the best proof of which is that the language had at first no term to express them, for *mantele*, which was subsequently used for this purpose, meant originally only a larger kind of napkin,[1] and was equivalent to the Greek χειρόμακτρον.[2] The table, before table-cloths were introduced, was wiped, as we have seen, with a cloth termed *gausape*.

XLI. The napkins (*mappæ*) used at table were either of fine linen, or woollen with a soft and even nap.[3] The Romans, in the time of the emperors, used linen napkins embroidered or interwoven with gold.[4] Each guest used sometimes, with the permission of the master of the feast, to put some part of the entertainment into their *mappa*, and give it to their slaves to carry home.

XLII. The Romans appear to have made use of very few instruments to convey the food to the mouth, but employed, in a great measure, the bare fingers.[5] The only implements mentioned (for the knife belongs to the carver only, and forks are never spoken of) are the *cochlear* and the *ligula*. The *cochlear* was a kind of spoon, which appears to have terminated with a point at one end, and at the other was broad and hollow like our spoons. The pointed end was used for drawing snails (*cochleæ*) out of their shells, whence it derived its name,[6] and also for shell-fish, the broader part for eating eggs, &c. The *ligula* was also a spoon, but larger than the *cochlear*, and used for eating jellies and the like.[7]

XLIII. The utensils on which the food was served appear to have been as numerous as with us. *Patinæ, catini, lances, scutulæ, gabatæ, paropsides*, are named, all probably varying in form, some flat, others hollow, round, and oval, with and without covers. As regards the material, we know that these utensils were made of the simplest pottery (although sometimes, from their size and elaborate make, of a very high price) up to massive silver, with costly engravings, and inlaid with reliefs (*chrysendeta*), and we may assume that, under the emperors, such silver utensils were never wanting in the houses of the affluent.[8]

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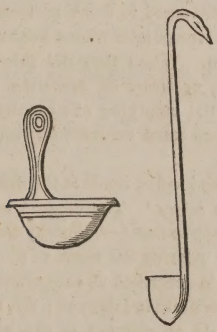
[1] *Lamprid., Heliog.*, 27; *Id., Alex. Sev.*, 37; *Isid., Orig.*, xix., 26, 6.
[2] *Varro, L. L.*, vi., 8.
[3] *Virg., Georg.*, iv., 377; *Æn.*, i., 702.
[4] *Lamprid., Heliog.*, 27; *Alex. Sev.*, 37, 40.
[5] *Becker's Gallus*, p. 369.
[6] *Mart.*, xiv., 121.
[7] *Becker, l. c.*
[8] *Becker's Gallus*, p. 370.

XLIV. It would be vain to attempt an accurate explanation of all the different drinking vessels mentioned in Nonius, Isidorus, Pollux, and elsewhere. We will confine our remarks, on the present occasion, merely to two, the *Crater* and the *Cyathus*. The *crater* or *cratēra* (in Greek κρατήρ) was a vessel in which the wine, according to the custom of the ancients, who very seldom drank it pure, was mixed with water, and from which the cups were filled. Hence its most accurate translation into English is by the term "mixer." The general meaning of the term *cyathus* is a "cup" of any kind, and it constantly occurs as the name of a sort of drinking vessel used by the Romans, who borrowed it from the Greeks;[1] but whether it designates the cup out of which the wine was drunk, or the small ladle by means of which it was transferred from the mixer (*crater*) into the drinking cup, is a disputed point. The more correct opinion seems to be, that by *cyathus* is meant the ladle.[2] Orelli,[3] less correctly, maintains the contrary. A slave was appointed to supply the drinking cups of the banqueters by means of the *cyathus*. Two *cyathi* are represented in the following wood-cut:



XLV. As regards the shapes of the vessels generally, we must especially distinguish between flat saucers (*pateræ*, *phialæ*), cups with handles, and those in the form of chalices (*calices*). Of the rest there were, of course, many varieties, some also in fantastic shapes, as shoes, legs, heads of beasts, &c., these latter were used as drinking horns, from the lower end of which the wine escaped through an orifice, and was caught in the mouth. Such drinking horns were termed ῥυτά, and perhaps *rhytium* in Martial means the same thing. They occur most frequently on vases.

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[1] *Varro, L. L.*, v., 124.

[2] *Becker's Gallus*, p. 372.

[3] *Ad Hor., Od.*, iii., 8, 13.

XLVI. The drinking vessels were made of various materials, such as gold, silver, glass, amber, &c. Sometimes they were adorned with figures (*signa* vel *sigilla*) affixed to them, called *Crustæ* or *Emblemata*,[1] which might be put on and taken off at pleasure. Sometimes gems were employed for this purpose,[2] thus forming what were called *Calices gemmati* or *Aurum gemmatum*. Cups are also spoken of as formed of precious stones,[3] but in these cases it is more than probable that colored glass merely was employed. The celebrated Murrhine cups (*pocula murrhĭna*[4]), introduced by Pompey, and which have given rise to so much speculation, are now generally supposed to have been true Chinese porcelain. They came from the East, principally from places within the Parthian empire, and chiefly from Caramania.

THE DRINKS, &c.

XLVII. The Romans drank to a person's health with the words *bene tibi*, &c. They drained the goblet sometimes to the health of the whole company,[5] and then used the expression *bene vobis*. They were frequently accustomed to drink as many *cyathi* as there were letters in the name of the person whose health they drank, or as they wished years to him. When they did this they were said *bibere nomen, bibere literas,* or *bibere ad numerum*. This drinking of so many *cyathi* means the emptying of so many *cyathi* from the *crater* into the goblet, not, as some erroneously think, to the emptying of so many goblets.[6]

XLVIII. Reference is often made to the drinking after the Grecian fashion, *Græco more bibere*.[7] The custom here meant was, that a person pledged the cup to another, thereby challenging him to empty it, at the same time uttering the name of him to whom the cup was given. This usage is described as dangerous and immoral, since it naturally led to immoderate indulgence ; for, not satisfied with being forced to drink freely on account of the mutual challenges, they mixed very little water with their wine, and also exchanged the smaller for the larger pocula, as we learn from Cicero.[8]

XLIX. The Romans, at their convivial parties, generally appointed a person to preside, whom they called *Arbiter bibendi*, and also *magister* or *rex convivii*, or, as we would say, "toast-master." He answered to the Greek *Symposiarch* (συμποσίαρχος). He directed every thing at pleasure. The *magister bibendi* was chosen by a

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1 *Cic., Verr.*, iv., 23. 2 *Juv.*, v., 41; *Mart.*, viii., 51. 3 *Virg., Georg.*, ii., 506.
4 *Mart.*, ix., 60, 13; x., 49; xiv., 113; *Plin., H. N.*, xxxiii., 1; xxxvii., 2.
5 *Plaut., Stich.*, v., 4, 27; *Pers.*, v., 1, 20. 6 *Becker's Gallus*, p. 149, *not.*
7 *Cic., Verr.*, i., 26; *Tusc.*, i., 40, &c. 8 *Becker's Gallus*, p. 148, *not.*

throw of the dice. In playing at dice, which often occurred during the intervals of drinking, they employed either *tesseræ* or *tali*. The *tesseræ* had six sides, marked I., II., III., IV., V., VI. The *tali* had four sides longwise, for the two ends were not regarded. On one side was marked one point (*unio*, an ace), called *Canis*; on the opposite side six (*senio*, sice); on the two other sides, three and four (*ternio et quaternio*). In playing they used three *tesseræ* and four *tali*. The highest or most fortunate throw was called *Venus*, and was, of the *tesseræ*, three sixes; of the *tali*, when all of them came out different numbers. The worst or lowest throw, called *Canes*, was, of the *tesseræ*, three aces; of the *tali*, when they were all the same. The throw *Venus* determined who should be *arbiter bibendi*.[1]

L. The wine of the ancients was almost invariably mixed with water when drunk, and the *crater*, as before remarked, was the vessel used to make the mixture in. The proportion in which the wine and water were mixed naturally differed on different occasions; generally speaking, however, there was more of water than of wine. The wine was mixed either with warm or cold water, but more commonly with the latter, and it was endeavored to obtain the water as cool as possible, for which purpose both snow and ice were frequently employed.

LI. The warm drink of the Romans was called *Calida* or *Calda*, and consisted of warm water mixed with wine, with the addition probably of spices. This was a very favorite drink with the ancients, and could always be procured at certain shops or taverns called *Thermopolia*,[2] which Claudius commanded to be closed at one period of his reign.[3] The vessels in which the wine and water were kept hot appear to have been of a very elegant form, and not unlike our tea-urns both in appearance and construction. The following wood-cut gives a representation of one of these vessels. In the middle of the vessel there is a small cylindrical furnace, in which the wood or charcoal was kept for heating the water, and at the bottom of this furnace there are four small holes for the ashes to fall through. On the right-hand side of the vessel there is a kind of cup, communicating with the part surrounding the furnace, by which the vessel might be filled without taking off the lid, and on the left-hand side there is in about the middle a tube with a cock for drawing off the liquid.

LII. Another favorite drink was the *Mulsum*. This was of two kinds. In the one, honey was mixed with wine, in the other with must. The former was considered most perfect and palatable when made of some old rough (*austerum*) wine, such as Massic or

[1] *Hor.*, *Od.*, ii., 7, 25.
[2] *Plaut.*, *Cur.*, ii., 3, 13; *Trin.*, iv., 3, 6.
[3] *Dion Cass.*, lx., 6.

Falernian (although Horace objects to the latter for this purpose[1]), and new Attic honey.[2] The proportions were four, by measure, of wine to one of honey, and various spices and perfumes, such as myrrh, cassia, costum, malobathrum, nard, and pepper might be added. The second kind, the *oenomelum* of Isidorus,[3] was made of must evaporated to one half of its original bulk, Attic honey being added in the proportion of one to ten. This, therefore, was merely a very rich fruit syrup, in no way allied to wine. It was considered the most appropriate draught upon an empty stomach, and was, therefore, swallowed immediately before the regular business of a repast began,[4] and hence the whet, coming before the cup of *mulsum*, was called the *promulsis*.[5]

LIII. We will conclude this part of the present chapter with a brief account of the Roman wines. It is well known that all the most noble Italian wines, with a very few exceptions, were derived from Latium and Campania, and, for the most part, grew within a short distance of the sea. In the first rank, from the time of Augustus, we must place the Setine (*Vinum Setinum*), which fairly deserves the title of *Imperial*, since it was the chosen beverage of that

[1] *Hor., Sat.*, ii., 4, 24. [2] *Mart.*, iv., 13; xiii., 108. [3] *Orig.*, xx., 3, 11.
[4] *Hor., Sat.*, ii., 4, 25. [5] *Cic., ad Fam.*, ix., 16, 20.

emperor and most of his courtiers. It grew upon the hills of Setia, above Forum Appii, looking down upon the Pontine Marshes.[1] Before the age of Augustus, however, the Cæcuban (*Cæcubum*) was the most prized of all. It grew in the poplar swamps bordering on the Gulf of Amyclæ, close to Fundi.[2] In the time of Pliny its reputation was entirely gone, partly in consequence of the carelessness of the cultivators, and partly from its proper soil, originally a very limited space, having been cut up by the canal of Nero extending from Baiæ to Ostia. Galen represents it as generous, full-bodied, and heady, not arriving at maturity until it had been kept for many years.

LIV. The second rank, after this period, was occupied by the Falernian (*Falernum*), which in Horace's time stood first, and of which the *Faustianum* was the most choice variety until the time of Pliny. The whole Falernian district may be regarded as stretching from the Massic hills to the River Vulturnus. Falernian became fit for drinking in ten years, and might be used when twenty years old, but when kept longer gave headaches, and proved injurious to the nervous system.

LV. In the third rank was the Alban (*Albanum*), so called from the *Mons Albanus*;[3] of various kinds, very sweet, sweetish, rough, and sharp. It was invigorating (*nervis utile*), and in perfection after being kept for fifteen years.[4] Here, too, we may place the *Surrentine*, deriving its name from the promontory of Surrentum, forming the southern horn of the Bay of Naples. This wine was not drinkable until it had been kept for five-and-twenty years, for, being destitute of richness and very dry, it required a long time to ripen. Tiberius used to call it generous vinegar.[5] Of equal reputation were the *Massic*, from the hills forming the boundary between Latium and Campania; and the *Gauran*, from the ridge above Baiæ and Puteoli, produced in small quantity, but of very high quality, full-bodied and rich. In the same class are to be included the *Calenum*, from Cales, and the *Fundanum*, from Fundi.

GARLANDS.

LVI. It would be difficult to assign any year or period when the use of chaplets at meals, or rather at carousals, was first introduced at Rome, but we learn from Pliny[6] that as early as the second Punic war chaplets of roses were worn on such occasions. The walls of the *triclinium* alone, however, had this decoration, which, although so harmless in itself, was considered incompatible with

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[1] *Mart.*, xiii., 112; *Juv.*, v., 34; *Plin.*, *H. N.*, xiv., 6. [2] *Mart.*, xiii., 115.
[3] *Mart.*, xiii., 109. [4] *Plin.*, *H. N.*, xxiii., 21; *Hor.*, *Sat.*, ii., 8, 14; *Juv.*, v., 33.
[5] *Plin.*, *l. c.* [6] *Id.*, xxi., 56.

sobriety of character, and he who appeared in public so adorned was liable to punishment. On the other hand, it would appear that fillets were worn round the head even before this time, to counteract the effects of the wine. Hence arose by degrees the chaplets of leaves and flowers, to which, however, the name *coronæ* was not given until afterward, since in earlier times it was reserved for religious usages and warlike distinctions. The previous name was *serta*.

LVII. The chaplets which superseded the simple fillets were not, however, considered as mere ornaments, but it was believed, or at least pretended, that certain leaves and flowers exercised a beneficial influence against the intoxicating power of wine.[1]

LVIII. The Greeks wove numerous kinds of flowers into chaplets; but with the Romans it was quite different. Besides the green leaves of the ivy, myrtle, and water parsley (our celery), they used but few garden flowers for chaplets, and of these chiefly the violet and the rose. But they did not stop with these natural materials, especially as chaplets were required in winter also, when roses could be obtained only at a very great expense; and hence imitations were made of various materials. What Pliny says, however, of the gold and silver garlands, applies only to the public games. No intelligence is given about the Egyptian ones,[2] save what would lead to the conclusion that they were artificial. On the other hand, the *hibernæ coronæ* were made of thin leaves of horn dyed.[3]

LIX. At the *cœna* itself chaplets were not generally used; they belonged, like the *unguenta*, or perfumes, to the regular *comissatio*, or to the *compotatio* succeeding the main course. They were distributed when the *mensa secunda* was served, or perhaps later.[4] It appears to have been usual for the host to provide chaplets, and sometimes to have them handed round repeatedly, and we can not infer from Ovid that the ancient custom, according to which each guest took his own garland, was subsequently adhered to.

LX. They also hung festoons of flowers over their neck and breast. This, however, though mentioned in Cicero,[5] Catullus,[6] and Ovid,[7] does not seem to have been as usual among the Romans as among the Greeks. At Rome the dietetic signification of the garland was lost sight of, and it was only regarded as a cheerful ornament and a symbol of festivity.

ENTERTAINING OF CLIENTS.

LXI. In the days of Roman freedom, clients were in the habit of

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[1] *Plut., Symp.*, iii., 1. [2] *Boettiger, Sabina*, i., p. 231. [3] *Becker's Gallus*, p. 390.
[4] *Plut., l. c.*; *Mart.*, x., 19, 18; *Petron.*, 60. [5] *Verr.*, v., 3.
[6] *Catull.*, vii., 51. [7] *Fasti*, ii., 739.

testifying their respect for their patron by thronging his *atrium* at an early hour, and escorting him to places of public resort when he went abroad. As an acknowledgment of these courtesies, some of the number were usually invited to partake of the evening meal. After the extinction of liberty, however, the presence of such guests, who had now lost all political importance, was soon regarded as an irksome restraint, while, at the same time, many of the noble and wealthy were unwilling to sacrifice the pompous display of a numerous body of retainers. Hence the practice was introduced under the empire of bestowing on each client, when he presented himself for his morning visit, a certain portion of food as a substitute and compensation for the occasional invitation to a regular supper, or, as it was termed, *cœna recta*, and this dole, being carried off in a little basket provided for the purpose, received from this circumstance the name of *sportula*.

LXII. For the sake of convenience, it soon became common to give an equivalent in money, the sum established by general usage being a hundred *quadrantes*.[1] The donation in money, however, did not entirely supersede the *sportula* given in kind, for we find in Juvenal a lively description of a great man's vestibule crowded with dependents, each attended by a slave bearing a portable kitchen, to receive the viands and keep them hot while they were carried home.[2] If the sketches of the satirist are not too highly colored, we must conclude that in his time great numbers of the lower orders derived their whole sustenance and the funds for ordinary expenditure exclusively from this source, while even high-born persons did not scruple to increase their incomes by taking advantage of the ostentatious profusion of the rich and vain.

LXIII. A regular roll was kept at each mansion of the persons, male and female, entitled to receive the allowance: the names were called over in order, the individuals were required to appear in person, and the almoner was ever on his guard to frustrate the roguery of false pretenders, whence the proverb quoted by Tertullian, *sportulam furunculus captat*.[3] The morning, as we have seen above, was the usual period for these distributions, but they were sometimes made in the afternoon.[4]

LXIV. Nero, imitating the custom of private persons, ordained that a *sportula* should be substituted for the public banquets (*publicæ cœnæ*) given to the people on certain high solemnities; but this unpopular regulation was repealed by Domitian.[5] When the Emperor Claudius, on one occasion, resolved unexpectedly to entertain the

[1] *Juv.*, i., 120; *Mart.*, x., 70. [2] *Juv.*, iii., 249. [3] *c. Marcion.*, iii., 16.
[4] *Mart.*, x., 70. [5] *Suet.*, *Ner.*, 16; *Dom.*, 7; *Mart.*, viii., 50.

populace with some games which were to last for a short time only, he styled the exhibition a *sportula;* and in the age of the younger Pliny the word was commonly employed to signify a gratuity, gift, or emolument of any description.[1]

Feb. 24. 1852.

CHAPTER XXXI.

CUSTOMS OF THE ROMANS.

EXERCISES. — GAMES OF CHANCE. — BATHING. — DESCRIPTION OF THE BATHS.

1. EXERCISES.

I. The Romans, before bathing, took various kinds of exercise, such as ball-playing, throwing the javelin, the discus, running, leaping, &c. Some of these have already been referred to; of others we will now proceed to give a brief sketch. And, first, of ball-playing. The game at ball was a great favorite with the Romans as with the Greeks, and was played at Rome by persons of all ages. Augustus used to play at ball.[2] Pliny[3] relates how much his aged friend Spurinna exercised himself in this game for the purpose of warding off old age; and under the empire it was generally played before taking the bath, in a room (*sphæristerium*) attached to the baths for this purpose; in which we read of the *pilicrepus*, or player at tennis.[4]

II. Among the Romans the game at ball was played in various ways. The term *pila* was used in a general sense for any kind of ball; but the balls among the Romans seem to have been of three kinds: the *pila* in its narrower sense, a small ball; the *follis*, a great ball filled with air, like the modern foot-ball; and the *paganica* (*pila*), which appears to have been a kind of village ball, smaller than the *follis*, and larger than the *pila*.

III. Most of the games at ball among the Romans seem to have been played with the *pila* or small ball. One of the simplest modes of playing the ball, where two persons, standing opposite to one another, threw the ball from one to the other, was called *Datatim ludere*.[5] But the favorite game at ball seems to have been the *trigon*, or *pila trigonalis*, which was played by three persons, who stood in the form of a triangle, ἐν τριγώνῳ. We have no particulars respecting it, but we are told that skillful players prided themselves upon catching and throwing the ball with their left hand.[6] The an-

[1] *Plin., Ep.*, ii., 14; x., 118.
[2] *Suet., Aug.*, 83.
[3] *Ep.*, iii., 1.
[4] *Sen., Ep.*, 57; *Orelli, Inscript.*, n. 2591.
[5] *Plaut., Curc.*, ii., 3, 17.
[6] *Mart.*, xiv., 46; vii., 72, 9.

cient physicians prescribed the game at ball, as well as other kinds of exercise, to their patients.

IV. Young men and boys used to amuse themselves in whirling along a circle of bronze or iron, sometimes having rings or bells attached to it,[1] and resembling the modern hoop. It was called *Trochus* (τροχός), a name derived from τρέχω, "to run." It was impelled by means of a hook with a wooden handle called *Clavis*,[2] in Greek ἐλατήρ. The *trochus* was used in the gymnasium,[3] and, therefore, on one of the gems in the Stosch collection at Berlin, which is engraved in the annexed wood-cut, it is accompanied by the jar of oil and the olive-branch, the emblems of effort and of victory. On each side of this we have represented another gem from the same collection. Both of these represent naked youths trundling the hoop by means of the hook or key. These show the size of the hoop, which in the middle figure has also three small rings or bells on its circumference.

V. Exercise on foot could be taken in various places, both public and private, in the porticoes or piazzas, built in different parts of the city, and also in the private *ambulationes* or *ambulacra*[4] attached to villas.

GAMES OF CHANCE, &c.

VI. Gaming was considered disreputable at Rome, and hence *aleator* was used as a term of reproach.[5] It was also forbidden at Rome by special laws, during the times of the republic, and under the emperors.[6] We have, however, no express information as to the time when these laws were enacted, or the exact provisions which they contained.

VII. The only kinds of gaming allowed by law were, first, playing at table for the different articles of food, and playing for money at games of strength, such as hurling the javelin, running, jumping, boxing, &c. Those who were convicted of gaming were condemned to pay four times the sum they had staked, and became *infames* in

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1 *Mart.*, xi., 22; xiv., 168.
2 *Propert.*, iii., 12.
3 *Id. ib.*
4 *Cic. pro Dom.*, 44; *Orat.*, 11, 20, &c.
5 *Cic., Cat.*, ii., 10; *ad Att.*, xiv., 5.
6 *Hor., Od.*, iii., 24, 58; *Cic., Philipp.*, ii., 23; *Ovid, Trist.*, ii., 470.

consequence. Games of chance were, however, tolerated in the month of December at the Saturnalia, which was a period of general relaxation,[1] and among the Greeks, as well as the Romans, public opinion allowed old men to amuse themselves in this manner.[2]

VIII. Under the emperors gambling was carried to a greater height, and the laws were probably little more than nominal. Many of the early emperors, Augustus, Caligula, Claudius, Vitellius, and Domitian, were very fond of gaming, and set but an evil example to their subjects in this matter.[3] Professed gamesters made a regular study of their art, and there were treatises on the subject, among which was a book written by the Emperor Claudius.[4]

IX. The game of odd and even (*ludere par impar*) was also a favorite one among the Romans. A person held in his hand a certain number of *astragali* or other things, and his opponent had to guess whether the number was odd or even. This was also a favorite game with the Greeks.

X. The Romans also played at a game called *Duodecim scripta*,[5] on a square table divided by twelve lines, on which were placed counters, called *Calculi*, *Latrones*, or *Latrunculi*, of different colors. The counters were moved according to throws of the dice, as with us at backgammon. The lines were intersected by a transverse line called *Linea sacra*, which they did not pass unless forced to it. When the counters had got to the last line, they were said to be *incĭti*, "immovable" (*in* having here a privative force), and the player *ad incitas* (sc. *lineas*) *redactus*,[6] "reduced to the last extremity." In this game there was room both for chance and art.[7]

XI. The counters, or *calculi*, in this game were intended to represent a miniature combat between two armies, and hence they were sometimes called *milites*,[8] "soldiers," and *latrones* (or diminutive, *latrunculi*[9]), "marauders." The game was called πεσσοί by the Greeks, and resembled the modern one of draughts. Its invention was ascribed by the Greeks to Palamedes, and Homer represents the suitors of Penelope as amusing themselves with it. Others, however, ascribed the invention to the Egyptian Theuth; and the paintings in Egyptian tombs, which are of far higher antiquity than any Grecian monuments, not unfrequently represent persons employed in this recreation. The following wood-cut is taken from a

1 *Mart.*, iv., 14; v., 84; *Gell.*, xviii., 13; *Suet.*, *Aug.*, 71.
2 *Eurip.*, *Med.*, 67; *Cic.*, *Senect.*, 16.
3 *Suet.*, *Aug.*, 70, 71; *Dion Cass.*, lix., 22; *Suet.*, *Cal.*, 41; *Claud.*, 33, &c.
4 *Ovid*, *Trist.*, ii., 471; *Suet.*, *Claud.*, 33.
5 *Cic.*, *Orat.*, i., 50; *Martial*, xiv., 17. 6 *Plaut.*, *Pœn.*, iv., 2, 86.
7 *Ter.*, *Ad.*, iv., 7, 21; *Ovid*, *Art. Am.*, ii., 203; iii., 363.
8 *Ovid*, *Trist.*, ii., 477. 9 *Id.*, *Art. Am.*, ii., 208; iii., 357.

papyrus roll, and dates probably about 1700 B.C. It is remarkable that a man is here represented playing alone, whereas not only in works of Egyptian art, but also on Greek painted vases, we commonly observe two persons playing together.

XII. There was also a game of chance played between two persons, by suddenly raising or compressing the fingers, and, at the same instant, guessing each at the number of the other. When doing this they were said *micare digitis*.[1] As the number of fingers stretched out could not be known in the dark unless those who played had implicit confidence in one another, they used, in praising the virtue and fidelity of a man, to say that he was *dignus quicum in tenebris mices*.[2] Is not this an imaginary case?

BATHING.

XIII. The Romans, in the earlier period of their history, used the bath but seldom, and only for health and cleanliness, not as a luxury. Thus we learn from Seneca[3] that the ancient Romans washed their legs and arms daily, and bathed their whole body once a week.[4]

XIV. It is not recorded at what precise period the use of the warm bath was first introduced among the Romans; but we learn from Seneca that Scipio had a warm bath in his villa at Liternum, which, however, was of the simplest kind, consisting of a single chamber, just sufficient for the necessary purposes, and without any pretensions to luxury. Seneca also describes the public baths at this time as *obscura et gregali tectorio inducta*, and as so simple in their arrangements that the ædile judged of the proper temperature by his

[1] *Cic., Divin.*, ii., 41; *Off.*, iii., 23. [2] *Id., Off.*, iii., 19; *de Fin.*, ii., 16.
[3] *Sen., Ep.*, 86. [4] *Cat. ap. Non.*, iii., *s. v. Ephippium*; *Columell., R. R.*, i., 6, 20.

hands. These were baths of warm *water*; but the practice of heating an apartment with warm *air* by flues placed immediately under it is said to have been invented by Sergius Orata,[1] who lived in the time of L. Crassus, the orator, before the Marsic war.

XV. By the time of Cicero, the use of baths, both public and private, of warm water and hot air, had become general,[2] and we learn from one of his orations that there were already baths (*balneas Senias*) at Rome, which were open to the public upon payment of a small sum.

XVI. In the earlier ages of Roman history a much greater delicacy was observed with respect to bathing, even among the men, than was usual among the Greeks; for, according to Valerius Maximus,[3] it was deemed indecent for a father to bathe in company with his own son, after the latter had attained the age of puberty, or a son-in-law with his father-in-law.[4] But virtue passed away as wealth increased, and when the *thermæ* came into use, not only did the men bathe together in numbers, but even men and women promiscuously in the same bath. This custom was forbidden by Hadrian[5] and by M. Aurelius Antoninus;[6] and Alexander Severus prohibited any baths common to both sexes (*balnea mixta*) from being opened at Rome.[7]

XVII. When the public baths (*balneæ*) were first instituted, they were only for the lower orders, who alone bathed in public; the people of wealth, as well as those who formed the equestrian and senatorian orders, used private baths in their own houses. But as early even as the time of Julius Cæsar we find no less a personage than the mother of Augustus[8] making use of the public establishments, and, in process of time, even the emperors themselves bathed in public with the meanest of the people.[9]

XVIII. The baths were opened at sunrise and closed at sunset; but in the time of Alexander Severus it would appear that they were kept open nearly all night.[10] The allusion in Juvenal[11] (*balnea nocte subit*) probably refers to private baths. The price of a bath was a *quadrans*, the smallest piece of coined money from the age of Cicero downward,[12] which was paid to the keeper of the bath (*balneator*). Children below a certain age were admitted free.[13]

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1 *Val. Max.*, ix., 1, 1; *Plin., H. N.*, ix., 54, 79.
2 *Ep. ad Q. Fratr.*, iii., 1.
3 *Val. Max.*, ii., 1, 7.
4 Compare *Cic., de Off.*, i., 35.
5 *Spart., Hadr.*, c. 1.
6 *Capitolin., Anton.*, c. 23.
7 *Lamprid., Alex. Sev.*, c. 42.
8 *Suet., Aug.*, 94.
9 *Spart., Hadr.*, c. 17; *Treb. Poll., de Gall. duob.*, c. 17.
10 *Lamprid., Alex. Sev., l. c.*
11 *Sat.*, vi., 419.
12 *Cic., pro Cœl.*, 26; *Hor., Sat.*, i., 3, 137; *Juv., Sat.*, vi., 447.
13 *Juv., Sat.*, ii., 152.

[To face page 333.

Strangers, also, and foreigners, were admitted to some of the baths, if not to all, without payment, as we learn from an inscription quoted by Pitiscus.

XIX. The baths were closed when any misfortune happened to the state; and Suetonius says that the Emperor Claudius made it a capital offence to indulge in the luxury of bathing upon any religious holiday. They were originally placed under the superintendence of the ædiles, whose business it was to keep them in repair, and to see that they were kept clean and of a proper temperature.[1]

XX. The time usually assigned by the Romans for taking the bath was the eighth hour, or shortly afterward.[2] Before that time none but invalids were allowed to bathe in public.[3] Vitruvius reckons the hours best adapted for bathing to be from midday until about sunset.[4] Pliny took his bath at the ninth hour in summer, and at the eighth in winter.[5]

XXI. When the water was ready, and the baths were prepared, notice was given by the sound of a bell (*æs thermarum*[6]). While the bath was used for health merely or for cleanliness, one was considered sufficient at a time, and that only when requisite; but the luxury of the empire knew no such bounds, and the daily bath was sometimes repeated, as many as seven and eight times in succession, the number which the Emperor Commodus indulged himself with.[7] Gordian bathed seven times a day in summer, and twice in winter. Commodus also took his meals in the bath, a custom which was not confined to a dissolute emperor alone.[8]

XXII. It was the usual and constant habit of the Romans to take the bath after exercise, and previously to their principal meal, the *cœna;* but the debauchees of the empire bathed after eating, so as to acquire a new appetite for fresh delicacies. Nero is related to have indulged in this practice.[9]

XXIII. Upon quitting the bath, it was usual for the Romans, as well as the Greeks, to be anointed with oil; but a particular habit of body, or tendency to certain complaints, sometimes required this order to be reversed; for which reason Augustus, who suffered from nervous disorders, was accustomed to anoint himself before bathing. The most usual practice, however, seems to have been to take some gentle exercise in the first instance, and then, after bathing, to be anointed either in the sun, or in the tepid or thermal chamber, and finally to take their food.

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1 *Sen.*, *Ep.*, 86. 2 *Mart.*, x., 48; xi., 52. 3 *Lampr.*, *Alex. Sev.*, 24.
4 *Vitruv.*, v., 10. 5 *Plin.*, *Ep.*, iii., 1, 8. 6 *Mart.*, xiv., 163.
7 *Lampr.*, *Comm.*, c. 2. 8 Compare *Mart.*, xii., 19. 9 *Suet.*, *Ner.*, 27.

XXIV. The Romans did not content themselves with a single bath of hot or cold water, but they went through a course of baths in succession, in which the agency of air as well as water was employed. It is difficult to ascertain the precise order in which the course was usually taken, if, indeed, there was any general practice beyond the whim of the individual. It is certain, however, that it was a general practice to close the pores, and brace the body after the excessive perspiration of the vapor bath, either by pouring cold water over the head, or by plunging at once into the *piscina*, or the river.[1] Musa, the physician of Augustus, is said to have introduced this practice,[2] which became quite the fashion, in consequence of the benefit which the emperor derived from it, though Dion Cassius accuses Musa of having artfully caused the death of Marcellus by an improper application of the same treatment.[3] In other cases it was considered conducive to health to pour warm water over the head before the vapor bath, and cold water immediately after it;[4] and at other times a succession of warm, tepid, and cold water was resorted to.

XXV. To render the following remarks more easily intelligible, the wood-cut facing this page is given from a fresco painting upon the walls of the *Therma* of Titus at Rome.

The chief parts of a Roman bath were as follows.

1. *Apodyterium.* Here the bathers were expected to take off their garments,[5] which were then delivered to a class of slaves called *Capsarii*, whose duty it was to take charge of them. These men were notorious for dishonesty,[6] and were leagued with all the thieves of the city, so that they connived at the robberies which they were placed to prevent. There was probably an *Elæothesium* or *Unctuarium*, as appears from the wood-cut, in connection with the *apodyterium*, where the bathers might be anointed with oil.

2. *Frigidarium*, or *Cella Frigidaria*, where the cold bath was taken. The cold bath itself was called *Natatio*, *Natatorium*, *Piscina*, *Baptisterium*, or *Puteus*.

3. *Tepidarium.* This would seem from the cut to have been a bathing room, for a person is there apparently represented pouring water over a bather. But there is good reason for thinking that this was not the case. In most cases, the *tepidarium* contained no water at all, but was a room merely heated with warm air of an agreeable temperature, in order to prepare the body for the great heat of the vapor and warm baths, and, upon returning from the

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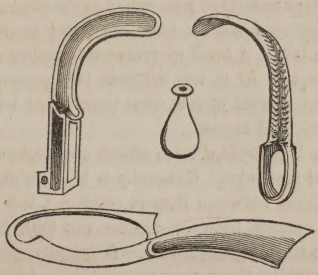
[1] *Auson., Mosell.*, 341. [2] *Plin., H. N.*, xxv., 7, 38. [3] *Dion Cass.*, liii., p. 517.
[4] *Plin., H. N.*, xxviii., 4, 14; *Cels., de Med.*, i., 3. [5] *Cic., pro Cœl.*, 26.
[6] *Catull.*, xxxiii., 1; *Plaut., Rud.*, ii., 33, 51.

latter, to obviate the danger of a too sudden transition to the open air.

4. *Caldarium*, or *Concamerata Sudatio*.[1] This contained at one extremity the vapor bath (*Laconicum*), and at the other the warm bath (*balneum*, or *calda lavatio*[2]), while the centre space between the two ends was termed *sudatio* or *sudatorium*. In larger establishments, the vapor bath and warm bath were in two separate cells, as we see in the cut: in such cases, the former part alone was called *concamerata sudatio*. The whole rested on a suspended pavement (*suspensura*), under which was a fire (*hypocaustum*), so that the flames might heat the whole apartment. See wood-cut.

The warm water bath (*balneum*, or *calda lavatio*), which is also called *piscina* or *calida piscina*, *labrum*, and *solium*, appears to have been a capacious marble vase, sometimes standing upon the floor, like that in the cut, and sometimes either partly elevated above the floor, or entirely sunk into it.

XXVI. After having gone through the regular course of perspiration, the Romans made use of instruments called *strigiles* or *strigles*[3] to scrape off the perspiration. The *strigil* was also used by the Greeks, who called it *stlengis* (στλεγγίς) or *xystra* (ξύστρα). The *strigil* was used for scraping off the perspiration and the impurities thrown out upon the surface of the skin by the heat of the vapor bath or the violent exercise of the *palæstra*.[4] It was made of iron or bronze, with a handle, into which the hand could be inserted (*clausula*), and a curved blade hollowed into a channel (*tubulatio*),



down which the moisture and perspiration would flow as in a gutter.[5] The *strigil* was by no means a blunt instrument, consequently its edge was softened by the application of oil, which was dropped upon it from a small vessel called *guttus* or *ampulla*, which had a

[1] *Vitruv.*, v., 11. [2] *Id. ib.* [3] *Juv.*, iii., 263.
[4] *Cic.*, *Fin.*, iv., 12; *Suet.*, *Aug.*, 80; *Pers.*, v., 126. [5] *Apul.*, *Flor.*, ii., 9, 2.

narrow neck, so as to discharge its contents drop by drop, from which circumstance the first name was taken. A representation of *strigiles* and a *guttus* is given on the preceding page. Augustus is said to have suffered from an over-violent use of the *strigil*.[1] Invalids and persons of a delicate habit made use of sponges, which Pliny says answered for towels as well as *strigils*. They were finally dried with towels and anointed.[2]

XXVII. The common people were supplied with these necessaries in the baths, but the more wealthy carried their own with them.[3] Lucian[4] adds also soap and towels to the list. After the operation of scraping and rubbing dry, they retired into, or remained in the *tepidarium* until they thought it prudent to encounter the open air.

XXVIII. In the *Thermæ* the baths were of secondary importance. An account of these structures has already been given (page 13).

Feb. 25. 1852

CHAPTER XXXII.

CUSTOMS OF THE ROMANS.

ROMAN RITES OF MARRIAGE.—LAW AND CEREMONIES OF DIVORCE.

1. MARRIAGE.

(A.) LEGAL VIEW OF ROMAN MARRIAGE.

I. A legal Roman marriage was called *justæ nuptiæ*, *justum matrimonium*, and *legitimum matrimonium*, as being conformable to *jus civile*, or Roman law. A legal marriage was either *cum conventione uxoris in manum viri*, or it was without this *conventio*. But both forms of marriage agreed in this, that there must be *connubium* between the parties, and consent.

II. *Connubium* is ~~merely~~ a term which comprehends all the conditions of a legal marriage. Generally it may be stated that there was only connubium between Roman citizens; the cases in which it at any time existed between parties not both Roman citizens were exceptions to the general rule. Originally, or at least at one period of the republic, there was no *connubium* between the patricians and the plebeians; but this was altered by the *Lex Canuleia* (B.C. 445), which allowed *connubium* between persons of these two classes.

III. The marriage *cum conventione* differed from that *sine conven-*

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[1] *Suet.*, *Aug.*, 30.
[2] *Juv.*, iii., 262; *Plin.*, *H. N.*, xxxi., 11.
[3] *Pers.*, v., 126.
[4] *Lexiph.*, vol. ii., p. 320, *ed. Reiz.*

tione in the relationship which it effected between the husband and the wife; the marriage *cum conventione* was a necessary condition to make a woman a *materfamilias*. By the marriage *cum conventione*, the wife passed into the *familia* of her husband, and was to him in the relation of a daughter, or, as it was expressed, *in manum convenit*. In the marriage *sine conventione*, the wife's relation to her *familia* remained as before, and she was merely *uxor*. According to Cicero,[1] *uxor* is a genus of which there are two species; one is "*materfamilias quæ in manum convenit*," the other is *uxor* only. According to this view, a *materfamilias* is a wife who is *in manu*, and in the *familia* of her husband. A wife not *in manu* was not a member of her husband's *familia*, and therefore the term could not apply to her. *Matrona* was properly a wife not *in manu*, and equivalent to *uxor;* and she was called *matrona* before she had any children. But these words are not always used in their original and proper meanings.

(B.) FORMS OF MARRIAGE.

IV. In the case of a marriage *cum conventione* there were three forms: 1. *Usus*. 2. *Farreum*. 3. *Coemptio*.

1. Marriage was effected by *Usus* if a woman lived with a man for a whole year as his wife. The law of the Twelve Tables provided that if a woman did not wish to come into the *manus* of her husband in this manner, she should absent herself from him annually for three nights (*trinoctium*), and so break the *usus* of the year.[2]

2. *Farreum* was a form of marriage in which certain words were used in the presence of ten witnesses, and were accompanied by a certain religious ceremony, in which *panis farreus* was employed; and hence this form of marriage was also called *Confarreatio*. It appears that certain priestly offices, such as that of *Flamen Dialis*, could only be held by those who were born of parents that had been married by this ceremony (*confarreati parentes*).

3. *Coemptio* was effected by *mancipatio;* in other words, it was a kind of purchase.[3]

V. *Sponsalia* were not an unusual preliminary of marriage, but they were not necessary.[4] The *sponsalia* were an agreement to marry, made in such form as to give each party a right of action in case of non-performance, and the offending party was condemned in such damages as to the judex seemed just. The woman who was promised in marriage was accordingly called *sponsa*, which is equivalent to *promissa;* the man who was engaged to marry was

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[1] *Top.*, 3.
[2] *Gell.*, iii., 2; *Gaius*, i., 111.
[3] *Gaius*, i., 118.
[4] *Dig.*, 23, tit. 1, s. 1; *Varro, L. L.*, vi., 70.

called *sponsus*. The *sponsalia*, of course, were not binding if the parties consented to waive the contract.

(C.) LEGAL CONSEQUENCES OF MARRIAGE.

VI. The legal consequences of marriage were the following:

1. The power of the father over the children of the marriage, which was a completely new relation, an effect, indeed, of marriage, but one which had no influence over the relation of the husband and wife.

2. The liabilities of either of the parties to the punishments affixed to the violation of the marriage union. An account of these punishments will be given under the article divorce.

3. The relation of husband and wife with respect to property, under which head falls the consideration of the *Dos* or dowry. The *dos* among the Romans was every thing which, on the occasion of a woman's marriage, was transferred by her, or by another person, to the husband. All the property of the wife which was not made *dos* continued to be her own, and was comprised under the name of *parapherna*, or *bona paraphernalia*. The *dos*, upon its delivery, became the husband's property, and continued to be his so long as the marriage relation existed. In the case of divorce, the woman or her relations could bring an action for the restitution of the *dos*, and, accordingly, a woman whose *dos* was large (*dotata uxor*) had some influence over her husband, inasmuch as she had the power of divorcing herself, and thus depriving him of the enjoyment of her property.[1]

(D.) MARRIAGE CEREMONIES.

VII. After the parties had agreed to marry, and the persons in whose *potestas* they were had consented, a meeting of friends was sometimes held at the house of the maiden for the purpose of settling the marriage contract, which was written on tablets, and signed by both parties.[2] The woman, after she had promised to become the wife of a man, was called *sponsa*, *pacta*, *dicta*, or *sperata*.[3] It appears that, at least during the imperial period, the man put a ring on the finger of his betrothed as a pledge of his fidelity.[4] This ring was probably, like all rings at this time, worn on the left hand, and on the finger nearest the smallest.[5]

VIII. The last point to be fixed was the day on which the marriage was to take place. The Romans believed that certain days

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[1] *Ulp.*, *Frag.*, vi., 8.
[2] *Juv.*, ii., 119; vi., 25; *Gell.*, iv., 4.
[3] *Gell.*, *l. c.*; *Plaut.*, *Trinum.*, ii., 4, 99; *Non.*, iv., p. 213.
[4] *Juv.*, vi., 27.
[5] *Macrob.*, *Sat.*, vii., 13.

were unfortunate for the performance of the marriage rites, either on account of the religious character of those days themselves, or on account of the days by which they were followed, as the woman had to perform certain religious rites on the day after her wedding, which could not take place on a *dies ater*, or unlucky day. Days not suitable for entering upon matrimony were the *calends*, *nones*, and *ides* of every month, all *dies atri*, the whole months of *May*[1] and *February*, and a great number of festivals.[2] Widows, on the other hand, might marry on days which were inauspicious for maidens.

IX. On the wedding day, which, in the early times, was never fixed upon without consulting the auspices,[4] the bride was dressed in a long white robe with a purple fringe, or adorned with ribands.[5] This dress was called *tunica recta*,[6] and was bound round the waist with a girdle (*corona*, *cingulum*, or *zona*), which the husband had to untie (*solvere*) in the evening. The bridal veil, called *flammeum*, was of a bright yellow color.[7] From this wearing of a veil arose the meaning of *nubere*, as applied to the female, namely, "to marry a husband," i. e., *nubere* (*se*) *viro*, "to veil herself for a husband." The slippers of the bride were also of a bright yellow color. Her hair was divided on this occasion with the point of a spear.[8]

X. The bride was conducted to the house of her husband in the evening; hence the meaning of the phrase *ducere*, "to wed," as applied to the husband, the full form of the expression being *ducere domum uxorem*, "to lead home a wife," *i. e.*, to her husband's home. The bride, on this occasion, was taken with apparent violence from the arms of her mother, or of the person who had given her away. On the way to the husband's abode she was accompanied by three boys dressed in the *prætexta*, and whose fathers and mothers were still alive (*patrimi et matrimi*). One of them carried before her a torch of white thorn (*spina*), or, according to others, of pine wood; the two others walked by her side, supporting her by the arm.[9] The bride herself carried a distaff and a spindle, with wool.[10] A boy, called *camillus*, carried in a covered vase (*cumera*, *cumerum*, or *camillum*) the so-called utensils of the bride, and play-things for children (*crepundia*[11]). Besides these persons who officiated on the oc-

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1 *Ov.*, *Fast.*, v., 490; *Plut.*, *Quæst. Rom.*, p. 284.
2 *Macrob.*, *Sat.*, i., 15; *Ov.*, *Fast.*, ii., 557.
3 *Macrob.*, *Sat.*, *l. c.*; *Plut.*, *Quæst. Rom.*, p. 289.
4 *Cic.*, *Div.*, i., 16; *Val. Max.*, ii., 1, 1.
5 *Juv.*, ii., 124.
6 *Plin.*, *H. N.*, viii., 48.
7 *Plin.*, *H. N.*, xxi., 8.
8 *Ov.*, *Fast.*, ii., 560; *Arnob.*, ii., p. 91.
9 *Varro ap. Charis.*, i., p. 117; *Plin.*, *H. N.*, xvi., 18.
10 *Plin.*, *H. N.*, viii., 48; *Plut.*, *Quæst. Rom.*, p. 271.
11 *Plaut.*, *Cistell.*, iii., 1, 5.

casion, the procession was attended by a numerous train of friends, both of the bride and bridegroom.

XI. When the procession arrived at the house of the bridegroom, the door of which was adorned with garlands and flowers, the bride was carried across the threshold by *pronubi*, i. e., men who had been married to only one woman, that she might not knock against it with her foot, which would have been an evil omen.[1] Before she entered the house, she wound wool around the door-posts of her new residence, and anointed them with lard or wolf's fat.[2] The husband received her with fire and water, which the woman had to touch. This was either a symbolic purification, or a symbolic expression of welcome, as the *interdicere aqua et igni* was the formula for banishment.

XII. The bride, on this first entrance into his dwelling, saluted the husband with the words "*ubi tu Caius, ego Caia.*"[3] After she had entered the house with distaff and spindle, she was placed upon a sheep-skin, and here the keys of the house were delivered into her hands. A repast (*cœna nuptialis*), given by the husband to the whole train of relatives and friends who accompanied the bride, generally concluded the solemnities of the day.[4] Many ancient writers mention a very popular song, called *Talasius* or *Talassio*, which was sung at weddings;[5] but whether it was sung during the repast or during the procession is not quite clear, though we may infer from the story respecting the origin of the song that it was sung while the procession was advancing toward the house of the husband.

XIII. It may be easily imagined that a solemnity like that of marriage did not take place among the merry and humorous Italians without a variety of jests and railleries, and Ovid[6] mentions songs of a peculiar character which were sung before the door of the bridal apartment by girls, after the company had left. These songs were probably the old *Fescennina*, and are frequently called *Epithalamia*. At the end of the repast the bride was conducted by matrons who had not had more than one husband (*pronubæ*) to the *lectus genialis* in the *atrium*, which was, on this occasion, magnificently adorned and strewed with flowers. On the following day the husband sometimes gave another entertainment to his friends, which was called *Repotia*, and the woman, who on this day undertook the management of the house of her husband, had to perform certain religious rites; on which account, as we have already observed, it was ne-

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[1] *Plut., l. c.; Plaut., Cas.*, iv., 4, 1.
[2] *Plin., H. N.*, xxviii., 9.
[3] *Plut., l. c.*
[4] *Plaut.*, v., 2, 61; *Suet., Calig.*, 25.
[5] *Plut., l. c.; Liv.*, i., 9; *Dion. Hal.*, ii., 31.
[6] *Fast.*, iii., 675.

cessary to select a day for the marriage which was not followed by a *dies ater*. These rites probably consisted of sacrifices to the Dii Penates.[1]

XIV. The position of a Roman woman after marriage was very different from that of a Greek woman. The Roman presided over the whole household; she educated her children, watched over and preserved the honor of the house, and as the *materfamilias* she shared the honors and respect shown to her husband. Far from being confined, like the Greek woman, to a distinct apartment, the Roman matron, at least during the better times of the republic, occupied the most important part of the house, the *atrium*.[2]

XV. A woman after marriage retained her former name, as *Julia, Tullia, Octavia, Paulla*, &c., joined to that of her husband; thus, *Catonis Marcia, Julia Pompeii, Terentia Ciceronis, Livia Augusti*, &c.

2. DIVORCE.

XVI. The word *divortium* signified generally a separation, and, in a special sense, a dissolution of marriage. A Roman marriage was dissolved by the death of the wife or husband, and by *divortium* in the life-time of the husband and wife. As one essential part of marriage was the consent and conjugal affection of the parties, it was considered that this affection was necessary to its continuance, and, accordingly, either party might declare his or her intention to dissolve the connection. No judicial decree, and no interference of any public authority, was requisite to dissolve a marriage.

XVII. The first instance of divorce at Rome is said to have occurred about B.C. 234, when Sp. Carvilius Ruga put away his wife on the ground of barrenness;[3] it is added that his conduct was generally condemned. Toward the latter part of the republic, and under the empire, divorces became very common. Pompey divorced his wife Mucia for alleged adultery; and Cicero divorced his wife Terentia after living with her thirty years, and married a young woman.[4] If a husband divorced his wife, the wife's dowry, as a general rule, was restored; and the same was the case when the divorce took place by mutual consent.

XVIII. Corresponding to the forms of marriage by *confarreatio* and *coemtio*, there were forms of divorce by *diffarreatio* and *remancipatio*. In course of time less ceremony was used; but still some distinct notice or declaration of intention was necessary to constitute a divorce. Under the early Christian emperors, the power of divorce

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[1] *Cic., de Republ.*, v., 5.

[2] Compare *Lips., Elect.*, i., 17; *Brisson., de Ritu Nupt.*, &c.

[3] *Gell.*, iv., 3; xvii., 21; *Val. Max.*, ii., 1, 4.

[4] *Plut., Vit. Cic.*, 41.

remained, as before, subject to the observance of certain forms. Justinian restricted the power of divorce, both on the part of the husband and the wife, to certain cases, and he did not allow a divorce even by the consent of both parties, unless the object of the parties was to live a life of chastity; a concession made to the opinions of his Christian subjects.

XIX. The word *repudium*, it is said, properly applies to a marriage only contracted, and *divortium* to an actual marriage;[1] but sometimes *divortium* and *repudium* appear to be used indifferently. The phrases to express a divorce are *nuncium remittere, divortium facere;* and the form of words might be "*tuas res tibi habeto, tuas res tibi agito.*"[2] The phrases used to express the renunciation of a marriage contract were *repudium remittere, renuntiare repudium, repudiare*, &c., and the form of words might be "*conditione tua non utor.*"[3]

Feb. 27. 1852.

CHAPTER XXXIII.

CUSTOMS OF THE ROMANS.

ROMAN FUNERALS.

LAYING OUT OF THE CORPSE.—DIFFERENT KINDS OF FUNERALS.—FUNERAL PROCESSION.—DISPOSAL OF THE CORPSE.—PLACES FOR BURIAL.—SEPULCHRES.

1. LAYING OUT OF THE CORPSE.

I. When a Roman was on the point of death, his nearest relative present endeavored to catch the last breath with his mouth.[4] The ring was taken off the finger of the dying person,[5] and as soon as he was dead his eyes and mouth were closed by the nearest relative,[6] who called upon the deceased person by name (*inclamare, conclamare*), exclaiming *have*, or *vale*.[7]

II. The corpse was then washed, and anointed with oil and perfumes by slaves called *Pollinctores*, who belonged to the *Libitinarii* or undertakers.[8] The *Libitinarii* appear to have been so called because they dwelt near the temple of Venus Libitina, where all things requisite for funerals were sold.[9] Hence we find the expressions

[1] *Dig.*, 50, tit. 16, s. 101, 191.
[2] *Cic., Phil.*, ii., 28; *Plaut., Amph.*, iii., 2, 47; *Trinum.*, ii., 1, 43.
[3] *Dig.*, 24, tit. 2; *Ulp., Frag.*, vi.
[4] *Virg., Æn.*, iv., 684; *Cic., Verr.*, v., 45.
[5] *Suet., Tib.*, 73.
[6] *Virg., Æn.*, ix., 487; *Lucan*, iii., 740.
[7] *Ovid, Trist.*, iii., 3, 43; *Met.*, x., 62; *Fast.*, iv., 582.
[8] *Dig.*, 14, tit. 3, s. 5, § 8.
[9] *Senec., de Benef.*, vi., 38; *Plut., Quæst. Rom.*, 23; *Liv.*, xli., 21.

vitare Libitinam and *evadere Libitinam* used in the sense of escaping death.[1] At this temple an account was kept of those who died, and a small sum was paid for the registration of their names.[2]

III. A small coin was then placed in the mouth of the corpse, in order to pay the ferryman in Hades,[3] and the body was laid out on a couch in the vestibule of the house, with its feet toward the door, and dressed in the best robe which the deceased had worn when alive. Ordinary citizens were dressed in a white *toga*, and magistrates in their official robes.[4] If the deceased had received a crown while alive as a reward for his bravery, it was now placed on his head;[5] and the couch on which he was laid was sometimes covered with leaves and flowers. A branch of cypress was also usually placed at the door of the house, if he was a person of consequence.[6]

2. DIFFERENT KINDS OF FUNERALS.

IV. Funerals were usually called *funera justa* or *exequiæ*. The latter term, however, was generally applied to the funeral procession (*pompa funebris*). There were two kinds of funerals, public and private, of which the former was called *funus publicum* or *indictivum*, because the people were invited to it by a herald;[7] the latter was called *funus tacitum*,[8] *translatitium*,[9] or *plebeium*.

V. A person appears to have usually left a certain sum of money in his will to pay the expenses of his funeral; but if he did not do so, nor appoint any one to bury him, this duty devolved upon the persons to whom the property was left; and if he died without a will, upon his relatives, according to their order of succession to the property.[10] The expenses of the funeral were in such cases decided by an arbiter according to the property and rank of the deceased, whence *arbitria* is sometimes employed to signify the funeral expenses.[11]

VI. The following description of the mode in which a funeral was conducted applies strictly only to the funerals of the great; the same pomp and ceremony could not, of course, be observed in the case of persons in ordinary circumstances.

VII. All funerals in ancient times were performed at night;[12] but afterward the poor only were buried at night, because they could not afford to have any funeral procession.[13] The corpse was usually

[1] *Hor., Od.*, iii., 30, 6; *Juv.*, xii., 122.
[2] *Suet., Ner.*, 39; *Dionys.*, iv., 15.
[3] *Juv.*, iii., 267.
[4] *Id.*, iii., 172; *Suet., Ner.*, 50.
[5] *Cic., de Leg.*, ii., 24.
[6] *Lucan*, iii., 442; *Hor., Od.*, ii., 14, 23.
[7] *Festus, s. v.*; *Cic., l. c.*
[8] *Ovid, Trist.*, i., 3, 22.
[9] *Suet., Ner.*, 33.
[10] *Dig.*, 11, tit. 7, s. 12.
[11] *Cic., pro Dom.*, 37; *in Pis.*, 9.
[12] *Serv., ad Virg., Æn.*, xi., 143; *Isid.*, xi., 2; xx., 10.
[13] *Suet., Dom.*, 17; *Dionys.*, iv., 40.

carried out of the house (*efferebatur*) on the eighth day after death.[1] The order of the funeral processsion was regulated by a person called *Designator* or *Dominus Funeris*, who was attended by lictors dressed in black.[2] It was headed by musicians of various kinds, who played mournful strains,[3] and next came mourning women, called *Præficæ*,[4] who were hired to lament and sing the funeral song (*nænia* or *lessus*) in praise of the deceased. These women were sometimes followed by players and buffoons (*scurræ*), of whom one, called *Archimimus*, represented the character of the deceased, and imitated his words and actions.[5] Then came the slaves whom the deceased had liberated, wearing the cap of liberty (*pileati*), the number of whom was occasionally very great, since a master sometimes liberated all his slaves in his will, in order to add to the pomp of the funeral.[6]

VIII. Before the corpse persons walked wearing waxen masks, representing the ancestors of the deceased, and clothed in the official dresses of those whom they represented;[7] and there were also carried before the corpse the crowns or military rewards which the deceased had gained.[8] The corpse was carried on a couch or litter (*lectica*), to which the name of *Feretrum*[9] or *Capulus*[10] was usually given; but the bodies of poor citizens and of slaves were carried on a common kind of bier or coffin called *Sandapila*. The *Sandapila*[11] was carried by bearers called *Vespæ* or *Vespillones*,[12] because, according to Festus, they carried out the corpse in the evening (*vespertino tempore*). The couches on which the corpses of the rich were carried were sometimes made of ivory, and covered with gold and purple.[13] They were often carried on the shoulders of the nearest relatives of the deceased,[14] and sometimes on those of his freedmen.[15] Julius Cæsar was carried by the magistrates,[16] and Augustus by the senators.[17]

IX. The relations of the deceased walked behind the corpse in mourning; the sons with their heads veiled, and the daughters with their heads bare and their hair dishevelled, contrary to the ordinary practice of both.[18] They often uttered loud lamentations, and the women beat their breasts and tore their cheeks, though this was

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1 *Serv., ad Virg., Æn.*, v., 64.
2 *Donat., ad Ter., Adelph.*, i., 2, 7; *Hor., Ep.*, i., 7, 6.
3 *Cic., de Leg.*, ii., 23; *Gell.*, xx., 2.
4 *Festus, s. v.*
5 *Suet., Vesp.*, 19.
6 *Dionys.*, iv., 24.
7 *Polyb.*, vi., 53; *Plin., H. N.*, xxxv., 2.
8 *Cic., de Leg.*, ii., 24.
9 *Varro, L. L.*, v., 166.
10 *Festus, s. v.*
11 *Mart.*, ii., 81; viii., 75; *Juv.*, viii., 175.
12 *Suet., Dom.*, 17; *Mart.*, i., 31.
13 *Suet., Jul.*, 84.
14 *Val. Max.*, vii., 1, 1; *Hor., Sat.*, ii., 8, 56.
15 *Pers.*, iii., 106.
16 *Suet., Cæs.*, 84.
17 *Suet., Aug.*, 100; *Tac., Ann.*, i., 8.
18 *Plut., Quæst. Rom.*, 14.

forbidden by the Twelve Tables.[1] If the deceased was of illustrious rank, the funeral procession went through the *Forum*,[2] and stopped before the *rostra*, where a funeral oration (*laudatio*) in praise of the deceased was delivered.[3] This practice was of great antiquity among the Romans, and is said by some writers to have been first introduced by Publicola, who pronounced a funeral oration in honor of his colleague Brutus.[4] Women also were honored by funeral orations.[5] From the forum the corpse was carried to the place of burning or burial, which, according to a law of the Twelve Tables, was obliged to be outside the city.[6]

3. DISPOSAL OF THE CORPSE.

X. The Romans in the most ancient times buried their dead;[7] though they also early adopted, to some extent, the custom of burning, which is mentioned in the Twelve Tables. Burning, however, does not appear to have become general till the later times of the republic; Marius was buried, and Sulla was the first of the Cornelian gens whose body was burned.[8] Under the empire, burning was almost universally practiced, but was gradually discontinued as Christianity spread, so that it had fallen into disuse in the fourth century.[9]

XI. Persons struck by lightning were not burned, but buried on the spot, which was called *Bidental*, and was considered sacred. Priests, who were called *Bidentales*, collected the earth which had been torn up by the lightning, and every thing that had been scorched, and buried it in the ground with a sorrowful murmur.[10] The officiating priest was said *condere fulgur*;[11] he farther consecrated the spot by sacrificing a two-year old sheep (*bidens*), whence the name of the place, and he also erected an altar, and surrounded it with a wall or fence. To move the bounds of a *bidental*, or in any way to violate its sacred precincts, was regarded as sacrilege.[12]

XII. Children, also, who had not cut their teeth, were not burned, but were buried in a place called *Suggrundarium*.[13] Those who were buried were placed in a coffin (*arca* or *loculus*), which was frequently made of stone,[14] and sometimes of the Assian stone, which came from Assos in Troas, and which consumed all the body with the exception of the teeth in forty days,[15] whence it was called *Sar-*

1 *Cic., de Leg.*, ii., 23.
2 *Dionys.*, iv., 40.
3 *Dionys.*, v., 17; *Cic., pro Mil.*, 13; *Suet., Aug.*, 100.
4 *Plut., Public.*, 9.
5 *Cic., de Orat.*, ii., 11; *Suet., Cæs.*, 26.
6 *Cic., de Leg.*, ii., 22.
7 *Plin., H. N.*, vii., 55.
8 *Cic., de Leg.*, ii., 22.
9 *Macrob.*, vii., 7.
10 *Lucan*, i., 606.
11 *Juv.*, vi., 587.
12 *Hor., Ep. ad Pis.*, 471.
13 *Plin., H. N.*, vii., 15; *Juv.*, xv., 140.
14 *Val. Max.*, i., 1, 2.
15 *Plin., H. N.*, ii., 98; xxxvi., 27.

cophagus. This name was, in course of time, applied to any kind of coffin or tomb.[1]

XIII. The corpse was burned on a pile of wood (*pyra* or *rogus*). This pile was built in the form of an altar, with four equal sides, whence we find it called *ara sepulchri*[2] and *funeris ara*.[3] The sides of the pile were, according to the Twelve Tables, to be left rough and unpolished,[4] but were frequently covered with dark leaves.[5] Cypress trees were sometimes placed before the pile.[6] On the top of the pile the corpse was placed, with the couch on which it had been carried,[7] and the nearest relation then set fire to the pile, with his face turned away. When the flames began to rise, various perfumes were thrown into the fire, though this practice was forbidden by the Twelve Tables; cups of oil, ornaments, clothes, dishes of food, and other things, which were supposed to be agreeable to the deceased, were also thrown upon the flames.[8]

XIV. The place where a person was burned was called *bustum* if he was afterward buried on the same spot, and *ustrina* or *ustrinum* if he was buried at a different place. Persons of property frequently set apart a space, surrounded by a wall, near their sepulchres, for the purpose of burning the dead; but those who could not afford the space appear to have sometimes placed the funeral pyres against the monuments of others, which was frequently forbidden in inscriptions on monuments.[9]

XV. If the deceased was an emperor or an illustrious general, the soldiers marched three times round the pile,[10] which custom was observed annually at a monument built by the soldiers in honor of Drusus.[11] Sometimes animals were slaughtered at the pile, and, in ancient times, captives and slaves, since the Manes were supposed to be fond of blood; but afterward gladiators, called *Bustuarii*, were hired to fight round the burning pile.[12]

XVI. When the pile was burned down, the embers were soaked with wine, and the bones and ashes of the deceased were gathered by the nearest relations,[13] who sprinkled them with perfumes, and placed them in a vessel called *urna*,[14] which was made of various

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1 *Juv.*, x., 172; *Orelli, Inscript.*, No. 194, 4432, 4554.
2 *Virg.*, *Æn.*, vi., 177.
3 *Ovid, Trist.*, iii., 13, 21.
4 *Cic., de Leg.*, ii., 23.
5 *Virg.*, *Æn.*, vi., 215.
6 *Virg.*, *Ovid, l. c.*; *Sil. Ital.*, x., 535.
7 *Tibull.*, i., 1, 61.
8 *Virg.*, *Æn.*, vi., 225; *Stat., Theb.*, vi., 126.
9 *Gruter*, 755, 4; 656, 3; *Orelli*, 4384, 4385.
10 *Virg.*, *Æn.*, xi., 188; *Tac., Ann.*, ii., 7.
11 *Suet., Claud.*, 1.
12 *Serv., ad Virg.*, *Æn.*, x., 519.
13 *Virg.*, *Æn.*, vi., 226; *Tibull.*, i., 3, 6; iii., 2, 10; *Suet., Aug.*, 100.
14 *Tac., Ann.*, iii., 1; *Ovid, Am.*, iii., 9, 39.

materials, according to the circumstances of the individuals. Most of the funeral urns in the British Museum are made of marble, alabaster, or baked clay. They are of various shapes, but most commonly square or round; and upon them there is usually an inscription or epitaph, beginning with the letters D. M. S., or only D. M., that is, *Dis Manibus Sacrum*, followed by the name of the deceased, with the length of his life, &c., and also by the name of the person who had the urn made. The following wood-cut is a representation of a sepulchral urn in the British Museum. It is of an upright rectangular form, richly ornamented with foliage, and supported at the sides by pilasters. It is dedicated to the memory of Cossutia Prima. Its height is twenty-one inches, and its width at the base fourteen inches six eighths.

XVII. After the bones and ashes of the deceased had been placed in the urn, the persons present were thrice sprinkled by a priest with pure water from a branch of olive or laurel for the purpose of purification;[1] after which they were dismissed by the *præfica*, or some other person, by the solemn word *ilicet*, that is, *ire licet*.[2] At their departure they were accustomed to bid farewell to the deceased by pronouncing the word *Vale!*[3]

[1] *Virg.*, *Æn.*, vi., 229; *Serv.*, *ad loc.* [2] *Serv.*, *l. c.* [3] *Id.*

4. PLACES FOR BURIAL.

XVIII. The funeral urns were placed in sepulchres, which, as already stated, were outside the city, though in a few cases we read of the dead body's being buried within the city. Thus Valerius Publicola, Tubertus, and Fabricius were buried in the city, which right their descendants also possessed, but did not use.[1] The vestal virgins and the emperors were buried in the city, according to Servius,[2] because they were not bound by the laws.

XIX. The places for burial were either public or private. The public places for burial were of two kinds; one for illustrious citizens, who were buried at the public expense, and the other for poor citizens, who could not afford to purchase ground for the purpose. The former was in the Campus Martius, which was ornamented with the tombs of the illustrious dead, and in the Campus Esquilinus;[3] the latter was also in the Campus Esquilinus, and consisted of small pits or caverns, called *puticuli* or *puticulæ*;[4] but as this place rendered the neighborhood unhealthy, it was given to Mæcenas, who converted it into gardens, and built a magnificent house upon it. Private places for burial were usually by the sides of the roads leading to Rome; and on some of these roads, such as the Via Appia, the tombs formed an almost uninterrupted street for many miles from the gates of the city. They were frequently built by individuals during their life-time;[5] thus Augustus, in his sixth consulship, built the Mausoleum for his sepulchre between the Via Flaminia and the Tiber, and planted round it woods and walks for public use. The heirs were often ordered by the will of the deceased to build a tomb for him, and they sometimes did it at their own expense (*de suo*), which is not unfrequently recorded in the inscription on funeral monuments.

XX. The tombs of the rich were commonly built of marble, and the ground was inclosed with an iron railing or wall, and planted round with trees.[6] The name of *Mausoleum*, which was originally the appellation given to the magnificent structure erected by Artemisia to the memory of Mausolus, king of Caria,[7] was sometimes given to any splendid tomb.[8] The open space before a sepulchre was called *forum*, and neither this space nor the sepulchre itself could become the property of a person by usucapion.[9]

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[1] *Cic., de Leg.*, ii., 23. [2] *Ad Virg., Æn.*, xi., 205.
[3] *Cic., Phil.*, ix., 7. [4] *Varr., L. L.*, v., 25; *Festus, s. v.*; *Hor., Sat.*, i., 8, 10.
[5] *Senec., de Brev. Vit.*, 20.
[6] *Cic., Ep. ad Fam.*, iv., 12, 3; *Tibull.*, iii., 2, 22; *Suet., Ner.*, 33, 50.
[7] *Plin., H. N.*, xxxvi., 4, 9; xxxv., 49; *Gell.*, x., 18.
[8] *Suet., Aug.*, 100; *Paus.*, viii., 16, 3. [9] *Cic., de Leg.*, ii., 24.

XXI. Private tombs were either built by an individual for himself and the members of his family (*sepulcra familiaria*), or for himself and his heirs (*sepulcra hæreditaria*).[1] A tomb which was fitted up with niches to receive the funeral urn was called *columbarium*, on account of the resemblance of these niches to the holes of a pigeon-house. In these tombs the ashes of the freedmen and slaves of great families were frequently placed in vessels made of baked clay, called *ollæ*, which were let into the thickness of the wall within these niches, the lids only being seen, and the inscriptions placed in front. Several of these *columbaria* are still to be seen at Rome. One of the most perfect of them, which was discovered in the year 1822, at the Villa Rufini, about two miles beyond the Porta Pia, is represented in the following wood-cut:

XXII. A sepulchre, or any place in which a person was buried, was *religiosus;* all things which were left or belonged to the Dii Manes were *religiosæ;* those consecrated to the Dii Superi were called *sacræ*.[2] Even the place in which a slave was buried was considered *religiosus*.[3] Whoever violated a sepulchre was subject to an action termed *sepulchri violati actio*.[4] Those who removed the bodies or bones from the sepulchre were punished by death or *deportatio in insulam*, according to their rank. If the sepulchre was violated in any other way, they were punished by *deportatio*, or condemnation to the mines.[5]

XXIII. After the bones had been placed in the urn at the funeral, the friends returned home. They then underwent a farther purification called *suffitio*, which consisted in being sprinkled with water and stepping over a fire. The house itself was also swept with a

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[1] *Dig.*, 11, tit. 7, s. 5. [2] *Gaius*, ii., 46. [3] *Dig.*, 11, tit. 7, s. 2.
[4] *Dig.*, 47, tit. 12. Compare *Cic.*, *Tusc.*, i., 12; *de Leg.*, ii., 22.
[5] *Dig.*, 47, tit. 12, s. 11.

certain kind of broom; which sweeping or purification was called *exverræ*, and the person who did it *everriator*.[1] The *Denicales Feriæ* were also days set apart for the purification of the family.[2] The mourning and solemnities connected with the dead lasted for nine days after the funeral, at the end of which time a sacrifice was performed called *Novendiale*.[3]

XXIV. A feast was given in honor of the dead, but it is uncertain on what day. It sometimes appears to have been given at the time of the funeral, sometimes on the *Novendiale*, and sometimes later. This feast was called *Silicernium*.[4] After the funeral of great men, there was, in addition to the feast for the friends of the deceased, a distribution of raw meat to the people, called *Visceratio*,[5] and sometimes a public banquet.[6] Combats of gladiators and other games were also frequently exhibited in honor of the deceased. Public feasts and funeral games were sometimes given on the anniversary of funerals. At all banquets in honor of the dead, the guests were dressed in white.

XXV. The Romans, like the Greeks, were accustomed to visit the tombs of their relatives at certain periods, and to offer to them sacrifices and various gifts which were called *Inferiæ* and *Parentalia*. The Romans appear to have regarded the manes or departed souls of their ancestors as gods; whence arose the practice of presenting to them oblations, which consisted of victims, wine, milk, garlands of flowers, and other things.[7] The tombs were sometimes illuminated on these occasions with lamps. In the latter end of the month of February there was a festival, called *Feralia*, in which the Romans were accustomed to carry food to the sepulchres for the use of the dead.[8]

XXVI. The Romans, like ourselves, were accustomed to wear mourning for their deceased friends, which appears to have been black or dark blue (*atra*) under the republic for both sexes. Under the empire the men continued to wear black in mourning, but the women wore white. This part of the subject, however, has already been alluded to (page 282).

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[1] *Festus, s. v.*
[2] *Festus, s. v.; Cic., de Leg.*, ii., 22.
[3] *Porphyr., ad Hor., Epod.*, xvii., 48.
[4] *Festus, s. v.*
[5] *Liv.*, viii., 22.
[6] *Suet., Cæs.*, 26.
[7] *Virg., Æn.*, v., 77; ix., 215; *Tac., Hist.*, ii., 95; *Suet., Cal.*, 15.
[8] *Festus, s. v.; Varro, L. L.*, vi., 13; *Ovid, Fast.*, ii., 565.

Feb. 28. 1852

CHAPTER XXXIV.

ROMAN HOUSES.

EARLIER ROMAN DWELLINGS.—LATER STRUCTURES.—PRINCIPAL PARTS OF A ROMAN HOUSE.—FLOORS.—WALLS.—CEILINGS.—WINDOWS.—DOORS.—MODE OF WARMING ROOMS.

1. EARLIER AND LATER STRUCTURES.

I. THE houses of the Romans were poor and mean for many centuries after the foundation of the city. Till the war with Pyrrhus the houses were covered only with thatch or shingles,[1] and were usually built of wood or unbaked bricks. It was not till the later times of the republic, when wealth had been acquired by conquests in the East, that houses of any splendor began to be built; but it then became the fashion not only to build houses of an immense size, but also to adorn them with columns, paintings, statues, and other costly works of art.

II. M. Lepidus, who was consul B.C. 78, was the first who introduced Numidian marble into Rome for the purpose of paving the threshold of his house; but the fashion of building magnificent houses increased so rapidly, that the house of Lepidus, which in his consulship was the first in Rome, was, thirty-five years later, eclipsed by a hundred others.[2] Lucullus especially surpassed all his contemporaries in the magnificence of his houses and the splendor of their decorations. Marble columns were first introduced into private houses by the orator L. Crassus, but they did not exceed twelve feet in height, and were only six in number.[3] He was soon outdone by M. Scaurus, who placed in his *atrium* columns of black marble, called Lucullean, thirty-eight feet high, and of such immense weight that the contractor of the sewers took security for any injury that might be done to the sewers in consequence of the columns being carried along the streets.[4]

III. The Romans were exceedingly partial to marble for the decoration of their houses. Mamurra, who was Cæsar's *præfectus fabrum* in Gaul, set the example of lining his rooms with slabs of marble. Some idea may be formed of the size and magnificence of the houses of the Roman nobles during the later times of the republic by the price which they fetched. The consul Messala bought the

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[1] *Plin.*, *H. N.*, xvi., 15.
[2] *Id.*, xxxvi., 8, 24, § 4.
[3] *Id.*, xvii., 1; xxxvi., 3.
[4] *Id.*, xxxvi., 2.

house of Autronius for three thousand seven hundred sestertia (nearly £33,000), and Cicero the house of Crassus, on the Palatine, for three thousand five hundred sestertia (nearly £31,000).[1] The house of P. Clodius, whom Milo killed, cost fourteen thousand eight hundred sestertia (about £131,000); and the Tusculan villa of Scaurus was fitted up with such magnificence, that when it was burned by his slaves, he lost one hundred thousand sestertia, or upward of £885,000.[2] The house-rent which persons in poor circumstances usually paid at Rome was about two thousand sesterces, between £17 and £18.[3] It was brought as a charge of extravagance against Cælius that he paid thirty sestertia (about £266) for the rent of his house.[4]

IV. Houses were originally only one story high; but as the value of ground increased in the city, they were built several stories in height. In many houses each story was let out to separate tenants, the highest floors being usually inhabited by the poor.[5] To guard against danger from the extreme loftiness of houses, Augustus restricted the height of all new houses which were built by the side of the public roads to seventy feet.[6] Until the time of Nero the streets in Rome were narrow and irregular, and bore traces of the haste and confusion with which the city was built after it had been burned by the Gauls; but after the great fire in the time of that emperor, by which two thirds of Rome was burned to the ground, the city was built with great regularity. The streets were made straight and broad; the height of the houses was restricted, and a certain part of each was required to be built of Gabian or Alban stone, which was proof against fire.[7]

2. PRINCIPAL PARTS OF A ROMAN HOUSE.

V. One of the most difficult points of investigation throughout the whole range of Roman antiquities, which bear on domestic life, is the discussion on the several divisions of the house, their position and relation to each other. We might fancy, after all the excavations in Herculaneum, and more especially in Pompeii, where the buildings have been laid open to our view, that the greatest light would have been thrown on this point; but we should greatly err were we to take the houses in the latter city as a criterion of the regular Roman house. It is true that they have much similarity; indeed, the habitations of antiquity generally were by no

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1 *Cic., ad Att.*, i., 13; *ad Fam.*, v., 6.
2 *Plin., H. N.*, xxxvi., 24.
3 *Suet., Cæs.*, 38.
4 *Cic., pro Cœl.*, 7.
5 *Cic., Agr.*, ii., 35; *Hor., Ep.*, i., 1, 91; *Juv., Sat.*, iii., 268; x., 17.
6 *Strab.*, v., p. 235.
7 *Tac., Ann.*, xv., 43; *Suet., Ner.*, 38.

means so various in their arrangements as are those of our own times, for the situation and disposition of certain parts were alike in all. Still there were many parts belonging to a large Roman mansion which those living in provincial towns did not require; and thus, from its being supposed that these remains present a true picture, though on a small scale, of what the others were, additional error has crept into the matter.[1]

VI. No ancient author has given us a regular account or plan of a Roman residence. Our chief sources of information are Vitruvius, the letters of the younger Pliny, and isolated passages in Varro, Gellius, Festus, Plautus, Cicero, Seneca, Petronius, &c. But Vitruvius instructs us only how and in what proportions to build a house; the position and use of the individual parts could not in his day have been a matter of doubt. Pliny, again, does not describe a *domus urbana*, but two villas, although the plan of one of them does not appear to be materially different from that of a regular house.[2] We must endeavor, then, by combining the scattered notices on the subject, to throw some light on it, and lay down a plan of a Roman house accordingly.

VII. The principal parts of a Roman house were the, 1. *Vestibulum*; 2. *Ostium*; 3. *Atrium* or *Cavum Ædium*; 4. *Alæ*; 5. *Tablinum*; 6. *Fauces*; 7. *Peristylium*. The parts of a house which were considered of less importance, and of which the arrangement differed in different houses, were the, 1. *Cubicula*; 2. *Triclinia*; 3. *Œci*; 4. *Exedræ*; 5. *Pinacotheca*; 6. *Bibliotheca*; 7. *Balineum*; 8. *Culina*; 9. *Cœnacula*; 10. *Diæta*; 11. *Solaria*. We shall speak of each in order.

(A.) VESTIBULUM.

VIII. The *Vestibulum* did not properly form part of the house, but was a vacant space before the door, forming a court, which was surrounded on three sides by the house, and was open on the fourth to the street. The two sides of the house joined the street, but the middle part of it, where the door was placed, was at some little distance from the street.[3] The term *vestibulum* appears to come from the old *vestare*, in the same manner as *prostibulum* from *prostare*, the principal force of the term lying in the particle *ve*, which has the force of "outside" or "beyond."[4]

(B.) OSTIUM.

IX. The *Ostium*, which is also called *janua* and *fores*, was the en-

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[1] *Hirt, Gesch. der Baukunst.*, iii., p. 323; *Becker, Gallus, Excurs.*, 1, sc. 2.
[2] *Becker's Gallus, l. c.*
[3] *Gell.*, xvi., 5; *Macrob., Sat.*, vi., 8.
[4] *Becker's Gallus*, p. 189.

trance to the house. The street door admitted into a hall, to which the name of *ostium* was also given, and in which there was frequently a small room (*cella*) for the porter (*janitor* or *ostiarius*), and also for a dog, which was commonly kept in the hall to guard the house. Over the entrance of the cella were usually written the words *Cave canem.* Another door (*janua interior*), opposite the street door, led into the *atrium.*

(C.) ATRIUM OR CAVUM ÆDIUM.

X. Varro and Vitruvius write Cavum Ædium; but Pliny, Cavædium. Hirt, Müller,[1] Marini, and most modern writers, consider the *Atrium* and *Cavum Ædium* to be the same, but Newton, Stratico, and more recently Becker,[2] maintain that they were distinct rooms. It is impossible to give a decisive opinion on the subject; but from the statements of Varro[3] and Vitruvius,[4] taken in connection with the fact that no houses in Pompeii have been yet discovered which contain both an *atrium* and *cavum ædium*, it is most probable that they were the same.

XI. The *Atrium* or *Cavum Ædium* was a large apartment, roofed over with the exception of an opening in the centre, called *compluvium*, toward which the roof sloped, so as to throw the rain-water into a cistern in the floor termed *impluvium*,[5] which was frequently ornamented with statues, columns, and other works of art.[6] The word *impluvium*, however, is also employed to denote the opening in the roof.[7] Schneider, in his commentary on Vitruvius, supposes *cavum ædium* to mean the whole of this apartment including the *impluvium*, while *atrium* signified only the covered part exclusive of the *impluvium.* Mazois, on the contrary, maintains that *atrium* is applied to the whole apartment, and *cavum ædium* only to the uncovered part. The breadth of the *impluvium*, according to Vitruvius,[8] was not less than a quarter nor greater than a third of the breadth of the *atrium;* its length was in the same proportion according to the length of the *atrium.*

XII. Vitruvius[9] distinguishes five kinds of *atria* or *cava ædium*, which were called by the following names:

1. *Tuscanicum.* In this the roof was supported by four beams, crossing each other at right angles, the included space forming the *compluvium.* This kind of atrium was probably the most ancient of all, as it is more simple than the others, and is not adapted for a very large building.

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[1] *Etrusker*, vol. i., p. 255. [2] *Gallus*, p. 191, *seqq.* [3] *L. L.*, v., 161.
[4] *Vitruv.*, vi., 3, 4. [5] *Varro, l. c.; Festus, s. v.* [6] *Cic., Verr.*, ii., 23, 56.
[7] *Ter., Eun.*, iii., 5, 41. [8] *Vitruv.*, vi., 4. [9] *Id.*, vi., 3.

2. *Tetrastylum.* This was of the same form as the preceding, except that the main beams of the roof were supported by pillars, placed at the four angles of the *impluvium.*

3. *Corinthium* was on the same principle as the tetrastyle, only that there was a greater number of pillars around the *impluvium,* on which the beams of the *impluvium* rested.

4. *Displuviatum* had its roof sloping the contrary way to the *impluvium,* so that the water fell outside the house, instead of being carried into the *impluvium.*

5. *Testudinatum* was roofed all over, and had no *compluvium.*

XIII. The *atrium* was the most important room in the house, and among the wealthy was fitted up with much splendor and magnificence.[1] The marble columns of Scaurus, already spoken of, were placed in the *atrium.* The *atrium* appears originally to have been the only sitting room in the house, and to have served also as a kitchen,[2] and it probably continued to do so among the lower and middle classes. In the houses of the wealthy, however, it was distinct from the private apartments, and was used as a reception room, where the patron received his clients, and the great and noble the numerous visitors who were accustomed to call every morning to pay their respects or solicit favors.[3] But, though the *atrium* does not appear to have been used by the wealthy as a sitting room for the family, it still continued to be employed for many purposes which it had originally served. Thus the nuptial couch was placed in the *atrium,* opposite the door,[4] and also the instruments and materials for spinning and weaving, which were formerly carried on by the women of the family in this room.[5] Here also the images of their ancestors were placed,[6] and the focus or hearth, which possessed a sacred character, being dedicated to the Lares of each family.

(D.) ALÆ.

XIV. The *Alæ,* or wings, were small apartments or recesses on the left and right sides of the *atrium.* They were furnished with seats, and closed in front by curtains; and, if we may judge from the analogy afforded by the houses of modern Turkey (which have two precisely similar recesses on their galleries, closed with curtains and fitted with divans), were intended for the master of the house to receive his visitors and enjoy the conversation of his acquaintance.[7]

March 1. 1852.

[1] Compare *Hor., Od.,* iii., 1, 46.
[2] *Serv., ad Virg., Æn.,* i., 726; iii., 353.
[3] *Hor., Ep.,* i., 5, 30; *Juv.,* vii., 7, 91.
[4] *Hor., Ep.,* i., 1, 87; *Ascon. in Cic. pro Mil.,* p. 43, *Orelli.*
[5] *Ascon., l. c.*
[6] *Juv.,* viii., 19; *Mart.,* ii., 90.
[7] *Vitruv.,* vi., 4; *Rich,* p. 19.

(E.) TABLINUM.

XV. The *Tablinum* was, in all probability, a recess or room at the farther end of the *atrium*, opposite the door leading into the hall, and was regarded as part of the *atrium*. It contained the family records and archives.[1] The name is derived from *tabula*, as referring to the *tabulæ rationum*, registers or archives preserved in this part of the dwelling. With the *tablinum*, the Roman house appears to have originally ceased; and the sleeping-rooms were probably arranged on each side of the *atrium*. But when the *atrium* and its surrounding rooms were used for the reception of clients and other public visitors, it became necessary to increase the size of the house, and the following parts were accordingly added.

(F.) FAUCES.

XVI. The Fauces appear to have been passages which passed from the *atrium* to the *peristylium*, or interior of the house.[2]

(G.) PERISTYLIUM.

XVII. The *Peristylium* was, in its general form, like the *atrium*, but one third greater in breadth, measured transversely, than in length.[3] It was a court open to the sky in the middle; the open part, which was surrounded by columns, was larger than the *impluvium* of the *atrium*, and was frequently decorated with flowers and shrubs.

The arrangement of the rooms which are next to be noticed, varied, as has been remarked, according to the taste and circumstances of the owner. It is therefore impossible to assign to them any regular place in the house.

(H.) CUBICULA.

XVIII. The *Cubicula*, or bed-chambers, appear to have been usually small. There were separate *cubicula* for the day and night;[4] the latter were also called *dormitoria*.[5] Vitruvius recommends that they should face the east for the benefit of the rising sun.[6] They sometimes had a small ante-room, called by the Greeks *προκοιτών*.[7]

(I.) TRICLINIA.

XIX. These have already been referred to and described in our remarks on Roman entertainments (page 314).

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[1] *Vitruv., l. c.; Festus, s. v.; Plin., H. N.*, XXXV., 2. [2] *Vitruv.*, vi., 3.
[3] *Id.*, vi., 4. [4] *Plin., Ep.*, i., 3. [5] *Id.*, v., 6; *Plin., H. N.*, XXX., 17.
[6] *Vitruv.*, vi., 17. [7] *Plin., Ep.*, ii., 17.

(K.) ŒCI.

XX. The *Œci* (from the Greek οἶκος) were spacious halls or saloons, borrowed from the Greeks, and were frequently used as *triclinia*. They were to have the same proportions as *triclinia*, but were to be more spacious, on account of having columns, which *triclinia* had not.[1] Vitruvius mentions four different kinds of *Œci*.[2] Of these the most splendid was the *Egyptian*. In this, the pillars supported a gallery with paved floor, which formed a walk around the apartment; and upon these pillars others were placed, a fourth part less in height than the lower, which surrounded the roof. Between the upper columns windows were inserted. Another kind of *Œcus*, called the *Cyzicene*, was peculiar, from its having, on three sides, glass doors, or windows reaching like doors to the ground, so that, when reclining on the *triclinia*, persons could enjoy a view on all sides into the open air. Pliny had a saloon of this description in both his villas. These *œci* were meant for summer use.

(L.) EXEDRÆ.

XXI. The *Exedræ* appear to have been in form much the same as the *œci*, for Vitruvius speaks of the *exedra* in connection with *œci quadrati*.[3] They were rooms for conversation and the other purposes of society.[4] They served the same purposes as the *exedræ* in the Thermæ and Gymnasia, which were semicircular rooms, with seats for philosophers and others to converse in.[5]

(M.) PINACOTHĒCA.

XXII. The *Pinacotheca* (πίναξ, θήκη) was a picture gallery. Marcellus, after the capture of Syracuse, first displayed the works of Greek painters and sculptors to his countrymen, whose taste for the fine arts was gradually matured by the conquests of L. Scipio, Flamininus, and L. Paullus, and grew into a passion after the spoils of Achaia had been transported by Mummius to Rome. In the time of Augustus, Vitruvius includes the *pinacotheca* among the ordinary apartments of a complete mansion, and gives directions that it should be of ample size and facing the north, in order that the light might be equable and not too strong.[6]

(N.) BIBLIOTHĒCA.

XXIII. The *Bibliotheca*, or library, generally had an eastern as-

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[1] *Vitruv.*, vi., 5. [2] *Id. ib.* [3] *Id. ib.*
[4] *Cic., N. D.*, i., 6; *de Or.*, iii., 5. [5] *Vitruv.*, v., 11; vii., 9.
[6] *Vitruv.*, i., 2; vi., 5; *Plin., H. N.*, xxxv., 2; *Mazois, Le Palais de Scaurus*, c. 9.

pect.[1] Private collections of books were made at Rome soon after the second Punic war. The zeal of Cicero, Atticus, and others, in increasing their libraries, is well known.[2] The library of Lucullus was very extensive, and he allowed the public free access to it.[3] Toward the end of the republic it became, in fact, the fashion to have a room elegantly furnished as a library, and reserved for that purpose. In Herculaneum, a library fully furnished was discovered. Round the walls it had cases, containing the books in rolls; these cases were numbered. The cases were called either *armaria*,[4] or *loculamenta*,[5] or *foruli*,[6] or *nidi*.[7] Asinius Pollio had set the fashion, in his public library, of adorning the room with the portraits and busts of celebrated men, as well as statues of Minerva and the Muses. This example was soon followed in the private libraries of the rich.

(O.) BALINEUM.

XXIV. Private baths have already been alluded to in our remarks on the public bathing establishments of the Romans (page 332).

(P.) CULINA.

XXV. The *Culina* was the kitchen. The food was originally cooked in the *atrium*, as has been already stated; but the progress of refinement afterward led to the use of another part of the house for this purpose. In the kitchen of Pansa's house, at Pompeii, of which the ground plan is represented on p. 361, a stove for stews and similar preparations was found, very much like the charcoal stoves used in the present day. Before it lie a knife, a strainer, and a kind of frying-pan with four spherical cavities, as if it were meant to cook eggs. The following cut represents all this:

1 *Vitruv.*, vi., 7.
2 *Cic., ad Att.*, i., 7, 10; iv., 5; *ad Quint. Fr.*, iii., 4.
3 *Plut., Vit. Lucull.*, 42.
4 *Plin., Ep.*, ii., 17.
5 *Senec., de Tranq. An.*, 9.
6 *Juv., Sat.*, iii., 219.
7 *Mart.*, i., 118.

(Q.) CŒNACULA.

XXVI. *Cœnacula* properly signified rooms to dine in; but after it became the fashion to dine in the upper part of the house, the whole of the rooms above the ground floor were called *cœnacula*;[1] and hence Festus says, "*Cœnacula dicuntur, ad quæ scalis ascenditur.*"[2] As the rooms on the ground floor were of different heights, and sometimes reached to the roof, all the rooms on the upper story could not be united with one another, and consequently different sets of stairs would be needed to connect them with the lower part of the house: sometimes, however, they ascended at once from the street.[3]

(R.) DIÆTA.

XXVII. The *Diæta* was an apartment used for dining in, and also for the other purposes of life.[4] It appears to have been smaller than the *triclinium*. *Diæta* is also the name given by Pliny[5] to rooms containing three or four bed-chambers (*cubicula*). Pleasure-houses or summer houses are sometimes called *diætæ*.

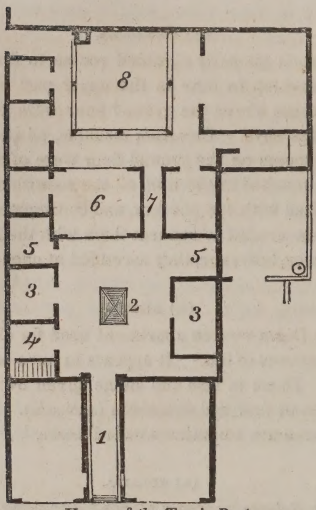
(S.) SOLARIA.

XXVIII. The *Solaria*, properly places for basking in the sun, were terraces on the tops of houses.[6] In the time of Seneca, the Romans formed artificial gardens on the tops of their houses, which contained even fruit-trees and fish-ponds.[7] A *solarium* was discovered on the second story of a house excavated at Herculaneum.

XXIX. The preceding account of the different rooms, and especially of the arrangement of the *atrium*, *tablinum*, &c., will derive some, though, of course, not complete illustration, from the two following wood-cuts, which represent the ground plans of two houses disinterred at Pompeii. The first represents the house of the tragic poet, as it is usually called; the second the house of Pansa.

In this plan, it will be perceived, there is no *vestibulum*, according to the meaning which we have attached to the word, a deficiency which exists in most of the other houses at Pompeii. 1. is the *Ostium* or entrance-hall, which is six feet wide and nearly thirty long. The two large rooms on each side of the entrance-hall appear, from the large openings in front of them, to have been shops; they communicate with the entrance-hall, and were therefore probably occupied by the master of the house. 2. The *Atrium*, about twenty-eight feet in length, and twenty in breadth. Its *impluvium* is near the centre of the room, and its floor is paved with white

[1] *Varr., L. L.*, v., 162, *Müller.*
[2] *Fest., s. v.* Compare *Dig.*, 9, tit. 3, s. 1.
[3] *Liv.*, xxxix., 14.
[4] *Plin., Ep.*, ii., 17; *Suet., Claud.*, 10.
[5] *Ep.*, vi., 5.
[6] *Plaut., Mil.*, ii., 3, 69; ii., 4, 25; *Suet., Ner.*, 16.
[7] *Sen., Ep.*, 122; *Contr. Exc.*, v., 5; *Suet., Claud.*, 10.



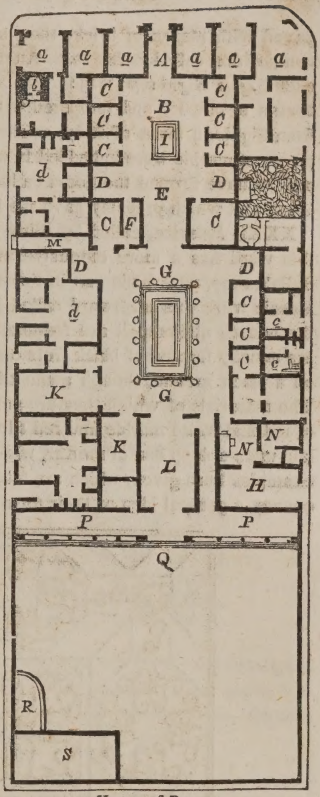
House of the Tragic Poet.

tesseræ, spotted with black. 3. Chambers for the use of the family, or intended for the reception of guests, who were entitled to claim hospitality. When a house did not possess an *hospitium*, or rooms expressly for the reception of guests, they appear to have been lodged in rooms attached to the *atrium*. 4. A small room with a stair-case leading up to the upper rooms. 5. *Alæ*. 6. The *Tablinum*. 7. The *Fauces*. 8. *Peristyle*, with Doric columns, and garden in the centre. The large room on the right of the peristyle is the *Triclinium*; beside it is the *Culina*, or kitchen; and the smaller apartments are *cubicula* and other rooms for the use of the family.

The next wood-cut gives the ground plan of the house of Pansa, who appears to have been one of the leading men in Pompeii. This is the ground plan of what was called an *Insula*, which was properly a house not joined to the neighboring houses by a common wall. An *insula*, however, generally contained several separate houses, or at least separate apartments or shops, which were let to different families; and hence the term *domus* under the emperors appears to be applied to a house where one family lived, whether it were an *insula* or not, and *insula* to any hired lodgings. The present insula contains a house, surrounded by shops, which belonged to the owner, and were let out by him. Including the garden, which is a third of the whole length, it is about three hundred feet long and one hundred wide.

We will now explain the several references: A. *Ostium*, or entrance-hall, paved with mosaic. B. Tuscan *Atrium*. *I. Impluvium*. C. Cham-

bers on each side of the *atrium*, probably for the reception of guests. D. *Ala*. E. *Tablinum*, which is open to the peristyle, so that the whole length of the house could be seen at once. But as there is a passage (*fauces*), F, beside it, the *tablinum* might probably be closed at the pleasure of the owner. C. Chambers by the *fauces* and *tablinum*, of which the use is uncertain. G. Peristyle. D. *Ala* to the peristyle. C. *Cubicula* by the side of the peristyle. K. *Triclinium*. L. *Œcus*, and by its side there is a passage leading from the peristyle to the garden. M. Back door (*posticum ostium*) to the street. N. *Culina*. O. Servants' hall, with a back door to the street. P. Portico of two stories, which proves that the house had an upper floor. The site of the stair-case, however, is unknown, though it is thought that there is some indication of one in the passage M. Q. The garden. R. Reservoir for supplying a tank, S.



House of Pansa.

The preceding rooms belonged exclusively to Pansa's house; but there were a good many apartments besides in the *insula*, which were not in his occupation: *a*. Six shops let out to tenants. Those on the right and left hand corners were baker's shops, containing mills, ovens, &c., at *b*. The one on the right appears to have been a large establishment, as it contains many rooms. *c*. Two houses of a very mean class, having formerly an upper story. On the other side are two houses much larger, *d*. March 2. 1852

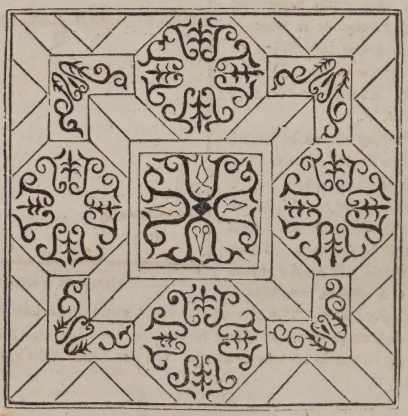
3. FLOORS.

XXX. The floor (*solum*) of a room was seldom boarded, though this appears to have been sometimes done.[1] It was generally covered with stone or marble, or mosaics. The common floors were

[1] *Stat., Silv.*, i., 5, 57.

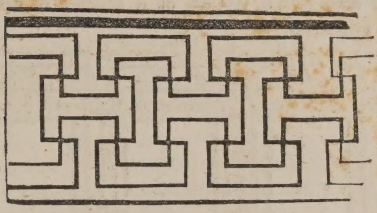
paved with pieces of brick, tiles, stones, &c., forming a kind of composition called *ruderatio*.[1] Another kind of pavement was that called *opus Signinum*, which was a kind of plaster made of tiles beaten to powder and tempered with mortar. It derived its name from Signia, a town of Italy, celebrated for its tiles.[2] Sometimes pieces of marble were imbedded in a composition ground, which appear to have formed the floors called by Pliny *barbarica* or *subtegulanea*, and which probably gave the idea of mosaics.

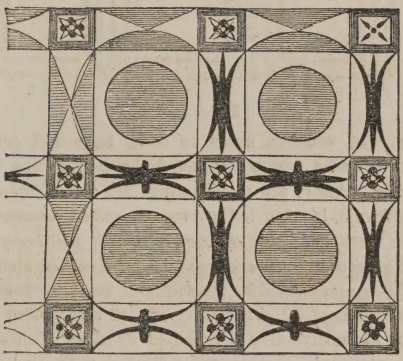
XXXI. Mosaics, called by Pliny *lithostrota* (λιθόστρωτα), though this word has a more extensive meaning, first came into use in Sulla's time, who made one in the temple of Fortune at Præneste.[3] Mosaic work was afterward called *Musivum opus*.[4] The floors of the houses at Pompeii are frequently composed of mosaics, which are usually formed of black frets on a white ground, or white ones on a black ground, though some of them are in colored marbles. The materials of which they are generally formed are small pieces of red and white marble and red tile, set in a very fine cement, and laid upon a deep bed of mortar, which served as a base. The three examples here given, which are taken from houses at Pompeii, will convey a general idea of their form and appearance.



Mosaic pavements, however, have been discovered at Pompeii, which represent figures and scenes of actual life, and are, in reality, pictures in mosaic. One of the most beautiful of these is given in its original colors in Gell's *Pompeiana* (2d series, plate xlv.). It is

[1] *Vitruv.*, vii., 1. [2] *Plin., H. N.*, xxxv., 46. [3] *Plin., H. N.*, xxxvi., 64.
[4] *Spartian., Pescen. Nig.*, 6; *Trebell. Poll., Trigin. Tyrann.*, 24.





composed of very fine pieces of glass, and represents the choragus, or master of the chorus, instructing the actors in their parts. A still more extraordinary mosaic painting was discovered in Pompeii in 1831; it is supposed to represent the battle of Issus.[1]

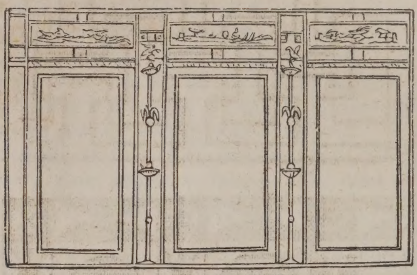
4. WALLS.

XXXII. The inner walls (*parietes*) of private rooms were frequently lined with slabs of marble, but were more usually covered by paintings, which, in the time of Augustus, were made upon the walls themselves. The prevalence of this practice is attested not only by Pliny, but also by the circumstance that even the small houses in Pompeii have paintings upon their walls. The following wood-cut, which represents the side of a wall at Pompeii, is one of the simplest but most common kind. The compartments are usually filled with figures. The colors seem usually to have been laid upon a dry ground, but were sometimes placed upon it wet, as in modern fresco painting.[2] The walls also appear to have been sometimes

[1] *Museo Borbonico*, viii., t. 36–45.

[2] *Vitruv.*, vii., 3.

ornamented with raised figures, or a species of bas-relief,[1] and sometimes with mosaics.



5. CEILINGS.

XXXIII. The ceilings seem to have been left originally uncovered, the beams which supported the roof or the upper story being visible. Afterward planks were laid across these beams at certain intervals, leaving hollow spaces, called *lacunaria* or *laquearia*, which were frequently covered with gold and ivory, and sometimes with paintings.[2] There was an arched ceiling also in common use called *Camara*, formed by semicircular bands or beams of wood, over the intervals of which a coating of lath and plaster was spread, resembling in construction the hooped awnings of modern times.[3] Under the emperors, *camaræ* were formed with plates of glass;[4] sometimes also the beams were gilt, and the ceiling between them was made of ivory.[5]

6. WINDOWS.

XXXIV. The Roman houses had few windows (*fenestræ*). The principal apartments, the *atrium*, *peristyle*, &c., were lighted, as we have seen, from above, and the *cubicula* and other small rooms generally derived their light from them, and not from windows looking into the street. The rooms only on the upper floor seem to have been usually lighted by windows.[6] Very few houses in Pompeii have windows on the ground floor opening into the street, though there is an exception to this in the house of the tragic poet, which has six windows on the ground floor. Even in this case, however, the windows are not near the ground, as in a modern house, but are

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1 *Cic., ad Att.*, i., 10.

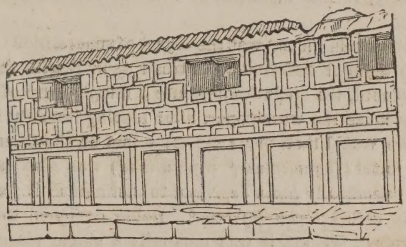
2 *Horat., Od.*, ii., 18; *Plin., H. N.*, xxxiii., 18; *Sen., Ep.*, 90; *Suet., Ner.*, 31.

3 *Vitruv.*, vii., 3; *Sall., Cat.*, 58; *Cic., ad Q. Fr.*, iii., 1, 1.

4 *Plin., H. N.*, xxxvi., 25, 64. 5 *Propert.*, iii., 2, 10. 6 *Juv.*, iii., 270.

six feet six inches above the foot-pavement, which is raised one foot seven inches above the centre of the street.

XXXV. The windows at Pompeii are small, being hardly three feet by two; and at the side there is a wooden frame, in which the window or shutter might be moved backward or forward. The lower part of the wall is occupied by a row of red panels four feet and a half high. The following wood-cut represents part of the wall, with apertures for windows above it, as it appears from the street. The tiling upon the wall is modern, and is only placed there to preserve it from the weather.



XXXVI. The windows appear originally to have been merely openings in the wall, closed by means of shutters, which frequently had two leaves (*bifores fenestræ*[1]), whence Ovid[2] says, "*Pars adaperta fuit, pars altera clausa fenestræ.*" They are for this reason said to be joined when they are shut.[3] Windows were also sometimes covered by a kind of lattice or trellis work (*clathri*), and sometimes by net-work, to prevent serpents and other noxious reptiles from getting in.[4]

XXXVII. Afterward, however, windows were made of transparent stone, called *lapis specularis* (mica), which was first found in Hispania Citerior, and afterward in Cyprus, Cappadocia, Sicily, and Africa; but the best came from Spain and Cappadocia. It was easily split into the thinnest *laminæ*, but no pieces had been discovered, says Pliny, above five feet long.[5] Windows made of this stone were called *specularia*.[6] Windows made of glass (*vitrum*) are first mentioned by Lactantius,[7] but the discoveries at Pompeii prove that glass was used for windows under the early emperors, as frames of glass and glass windows have been found in several of the houses.

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1 *Ovid, Pont.*, iii., 3, 5.
2 *Am.*, i., 5, 3.
3 *Hor., Od.*, ii., 25.
4 *Plaut., Mil.*, ii., 4, 25; *Varro, R. R.*, iii., 7.
5 *Plin., H. N.*, xxxvi., 45.
6 *Sen., Ep.*, 90; *Plin., Ep.*, ii., 17; *Mart.*, viii., 14.
7 *De Opif. Dei*, 8.

7. DOORS.

XXXVIII. The doors of apartments in the interior of the house were properly called *ostia*,[1] whereas *janua* more especially denoted the first entrance into the house, or, in other words, the front or street door, which was also called *antīcum*,[2] the back door being termed *postīcum*, *postica*, or *posticula*.[3] This last, because it often led into the garden of the house, was likewise called the garden door.[4]

The door-way, when complete, consisted of four indispensable parts, namely, 1. The threshold or sill. 2. The lintels. 3. 4. The two jambs.

1. The threshold (*limen*) was the object of superstitious reverence, and it was thought unfortunate to tread upon it with the left foot. On this account, the steps leading into a temple were of an uneven number, because the worshipper, after placing his right foot on the bottom step, would then place the same foot on the threshold also.[5]

2. The lintel (*jugamentum*,[6] *supercilium*[7]) was also called *limen*, and more specifically *limen superum*, to distinguish it from the sill, which was called *limen inferum*.[8] Being designed to support a superincumbent weight, it was generally a single piece, either of wood or stone. Hence those lintels which still remain in ancient buildings astonish us by their great length.

3. In large and splendid edifices, the jambs or door-posts (*postes*) were made to converge toward the top, according to certain rules which are given by Vitruvius.[9] In the Augustan age it was fashionable to inlay the posts with tortoise shell.[10] Although the jamb was sometimes nearly twice the length of the lintel, it was made of a single stone even in the largest edifices. A very striking effect was produced by the height of these door-ways, as well as by their costly decorations, beautiful materials, and tasteful proportions.

XXXIX. Among the Greeks, the street doors opened outwardly until the time of Hippias, after which period it was not permitted.[11] Among the Romans they always opened inward, except in the single instance of M. Valerius Poplicola,[12] to whom the privilege of having his door open outwardly was granted as a special honor. The construction of all the buildings at Pompeii and other places show clearly that the general rule was closely adhered to. In some of

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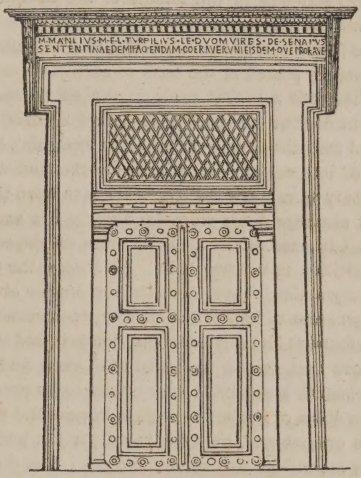
1 *Isid., Orig.*, xv., 7.
2 *Festus, s. v.*
3 *Id., s. v.*
4 *Plaut., Stich.*, iii., 1, 40.
5 *Vitruv.*, iii., 4.
6 *Cat., R. R.*, 14.
7 *Vitruv.*, iv., 6.
8 *Plaut., Merc.*, v., 1, 1.
9 *Vitruv., l. c.*
10 *Virg., Georg.*, ii., 463.
11 *Becker, Charicles*, p. 213.
12 *Schneider, ad Vitruv.*, iv., 6, 6.

these buildings, as, for example, in that called "the house of the tragic poet," even the marble threshold rises about an inch higher than the bottom of the door, so that the door was in every part behind the door-case.[1]

XL. The lintel of the oblong door-case was in all large and splendid buildings surmounted either by an architrave and cornice, or by a cornice only. The following wood-cut represents the door of the temple of Hercules at Cora, having an architrave above the lintel with a Latin inscription upon it, and above this a projecting cornice. Over the door itself is a latticed window, the technical name for which was *hypætrum*. It possessed the double advantage of imparting grandeur without and of admitting air within.[2]



XLI. The door itself was called *foris* or *valva*. These words are commonly found in the plural, because the door-way of every building of the least importance contained two doors folding together. When *foris* is used in the singular, we may observe that it denotes one of the folding doors only, as in the phrase *foris crepuit*, which occurs repeatedly in Plautus, and describes the creaking of a single valve, opened alone, and turning on its pivots. Even the inner doors of houses were bivalve,[3] and hence we read of the folding-doors of a bed-chamber.[4] But in every case, each of the two valves

[1] *Gell's Pompeiana*, 2d series, vol. i., p. 144.
[2] *Vitruv.*, iv., 6, 1; *Rich*, p. 342.
[3] *Gell's Pompeiana*, vol. i., p. 166.
[4] *Suet.*, *Aug.*, 82; *Q. Curt.*, v., 6.

was wide enough to allow persons to pass through without opening the other valve also. Even each valve was sometimes double, so as to fold like our window-shutters.[1]

XLII. Doors of bronze are often mentioned by the ancient writers. The leaves of the doors were sometimes overlaid with gold, at other times they were enriched with the most exquisite carving.[2] As luxury advanced among the Romans, metals took the place of wood even in the doors of the interior of a house. Hence the quæstor Sp. Carvilius reproved Camillus for having his chamber doors covered with bronze. The folding doors exhibited in the last wood-cut, instead of a rebate, such as we employ, have an upright bronze pilaster, standing in the middle of the door-way, so as to cover the joining of the valves.

XLIII. The fastenings (*claustra*[3]) of the door commonly consisted in a bolt (*pessulus*), placed at the base of each *foris*, so as to admit of being pushed into a socket made in the sill to receive it. By night, the front door of the house was farther secured by means of a wooden, and sometimes an iron bar (*sera*, *repagula*), placed across it, and inserted into sockets on each side of the door-way.[4] Hence it was necessary to remove the bar in order to open the door (*reserare*). Even chamber doors were secured in the same manner;[5] and here, also, in case of need, the bar was employed as a farther security in addition to the two bolts. To fasten the door with the bolt was *januæ pessulum obdere;* with the bar, *januam obserare*.[6] The bolt, by the progress of improvement, was transformed into a lock, and the keys found at Herculaneum and Pompeii, and those attached to rings,[7] prove that among the polished Greeks and Romans the art of the locksmith approached very nearly to its present state.[8]

XLIV. The doors of the better class of houses had usually a ring, more or less ornamented, on each valve, for the purpose of shutting it. This appendage was sometimes gilt. The doors were also occasionally adorned with garlands and wreaths of flowers, more especially in celebration of a marriage, when either laurel or myrtle was placed about the door of the bridegroom.[9] The birth of a child was also announced by a chaplet upon the door,[10] and a death was indicated by branches of cypress.[11]

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1 *Isid., Orig.*, xv., 7.
2 *Ovid, Met.*, viii., 705; *Virg., Georg.*, iii., 26.
3 *Ovid, Am.*, i., 6, 17.
4 *Id. ib.*, i., 6, 24.
5 *Apul., Met.*, ix.
6 *Ter., Eun.*, iii., 5, 55; iv., 6, 26; *Heaut.*, ii., 3, 37.
7 *Gorlæi Dactylioth.*, 42, 205, *seqq.*
8 *Achill. Tat.*, ii., 19.
9 *Juv.*, vi., 79, 228; *Claud., de Nupt. Hon. et Mar.*, 208.
10 *Juv.*, ix., 84.
11 *Plin., H. N.*, xvi., 60.

8. MODE OF WARMING.

XLV. The rooms were heated in winter in different ways; but the Romans had no stoves like ours. The *cubicula*, *triclinia*, and other rooms, which were intended for winter use, were built in that part of the house upon which the sun shone most, and in the mild climate of Italy this frequently enabled them to dispense with any artificial mode of warming the rooms. Rooms exposed to the sun in this way were sometimes called *heliocamini*.[1]

XLVI. The rooms were sometimes heated by hot air, which was introduced by means of pipes from a furnace below, but more frequently by portable furnaces or braziers (*foculi*), in which coal or charcoal was burned. The *caminus* was also a kind of stove, in which wood appears to have been usually burned, and probably only different from the *foculus* in being larger and fixed to one place.[2]

XLVII. It has been a subject of much dispute among modern writers whether the Romans had chimneys for carrying off the smoke. From many passages in ancient authors it certainly appears that rooms usually had no chimneys, but that the smoke escaped through the windows, doors, and openings in the roof.[3] Chimneys, however, do not appear to have been entirely unknown to the ancients, as some are said to have been found in the ruins of ancient buildings.[4]

9. MODE OF LIGHTING.

XLVIII. One of the imperfections in the domestic economy of the ancients was the universal use of oil lamps. Had they provided against their uncleanliness by having glass cylinders to consume the smoke, we should not be so much surprised at the preference given to oil over tallow and wax. But they had no invention of the sort, and in spite of all the elegance and ingenuity displayed in their lamps of bronze and precious metals, the ancients could not prevent their ornamented ceilings from being blackened, and their breathing oppressed, by smoke. The nature of the country doubtless led them to use oil, but its cheapness does not appear to be a sufficient reason for their having continued to bear its discomforts, and we must therefore rather suppose that at that time wax and tallow candles were not made skillfully enough to afford a good light. Hence

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[1] *Plin.*, *Ep.*, ii., 17. [2] *Suet.*, *Vitell.*, 8; *Hor.*, *Sat.*, i., 5, 81.

[3] *Vitruv.*, vii., 3; *Hor.*, *l. c.*; *Voss*, *ad Virg.*, *Georg.*, ii., 242.

[4] *Becker's Gallus*, p. 211; *Fea*, *ad Winkelm. W.*, ii., 347; *Scamozzi*, *dell' Archit.*, i., 3, 21; *Mus. Borbon.*, v., t. 40.

we find that the *candela* was used by the poor, while the smoky oil lamp (*lucerna*) was burned in the palaces of the wealthy.[1]

XLIX. The whole apparatus for lighting is mentioned by Apuleius. The *tædæ*, properly slips of pine, were not intended for the usual house-lighting, so that only the *lucernæ* and *candelæ* require to be noticed.

The *Candela* was made either of wax, and was then called *cerea*, or of tallow, and was termed *sebacea*. Candles were universally used by the Romans before the invention of oil lamps or *lucernæ*.[2] Instead of our wick, they used for the *candelæ* the pith of a kind of rush called *scirpus*.[3] These rushes were smeared over with wax or tallow, although tallow candles (*sebaceæ*) were only employed for the commonest purposes. When lamps were introduced, *candelæ*, as already remarked, were only used by the poorer classes.[4]

The *Candelabrum* was originally a candlestick, but was afterward used to support lamps, in which signification it most commonly occurs. The *candelabra* of this kind were usually made to stand upon the ground, and were of a considerable height. The most common kind were made of wood,[5] but those which have been found in Herculaneum and Pompeii are mostly of bronze. Sometimes they were made of the more precious metals and even of jewels, as was the

[1] *Becker's Gallus*, p. 383. [2] *Varr., L. L.*, v., 119, *ed. Müller*; *Mart.*, xiv., 43.
[3] *Plin., H. N.*, xvi., 70. [4] *Juv., Sat.*, iii., 287; *Becker, l. c.*
[5] *Cic., ad Q. Fratr.*, iii., 7, *Mart.*, xiv., 44.

one which Antiochus intended to dedicate to Jupiter Capitolinus.[1] The best candelabra were made at Ægina and Tarentum.[2]

L. A great number of ancient lamps (*lucernæ*) have come down to us, the greater part of which are made of *terra cotta*, but a considerable number also of bronze. Most of the lamps are of an oval form, and flat upon the top, on which there are frequently figures in relief, as represented in the preceding and following wood-cuts:

In the lamps there are one or more round holes, according to the number of wicks (*ellychnia*) burned in it; and as these holes were called, from an obvious analogy, *μυκτῆρες* or *μύξαι*, literally nostrils or nozzles, the lamp was also called *Monomyxos*, *Dimyxos*, *Trimyxos*, or *Polymyxos*, according as it contained one, two, three, or a greater number of nozzles or holes for the wicks. The following wood-

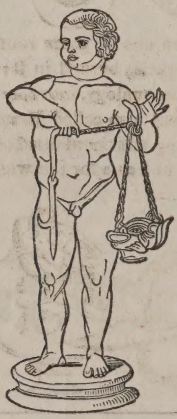
[1] *Cic.*, *Verr.*, iv., 23.

[2] *Plin.*, *H. N.*, xxxiv., 6.

cut represents a *dimyxos lucerna*, upon which there is a winged boy with a goose:

The next wood-cut represents one of the most beautiful bronze lamps which has yet been found. Upon it is the figure of a standing Silenus.

The lamps sometimes hung in chains from the ceiling of the room,[1] but generally stood upon or were attached to a stand or *candelabrum*. Sometimes a figure held the lamp, as in the following cut, which also represents the needle or instrument which served to trim the wick, and is attached to the figure by means of a chain.[2]



[1] *Virg.*, *Æn.*, i., 726; *Petron.*, 30.

[2] Compare *Virg.*, *Moret.*, 11.

We read of *lucernæ cubiculares, balneares, tricliniares, sepulcrales,* &c., but these names were only given to the lamps on account of the purposes to which they were applied, and not on account of a difference in shape. The *lucernæ cubiculares* were burned in bedchambers all night.[1] Perfumed oil was sometimes burned in the lamps.[2]

March 3. 1852.

CHAPTER XXXV.

VILLAS AND GARDENS.

VILLA RUSTICA.—VILLA URBANA.—DESCRIPTION OF A VILLA URBANA.—DESCRIPTION OF THE GARDEN BELONGING TO A VILLA.—AMBULATIO.—GESTATIO.—HIPPODROMUS.—SPHÆRISTERIUM.

1. VILLA RUSTICA.

I. The term *Villa* properly denotes a farm or country house. The Roman writers mention two kinds of villas, the *Villa Rustica* or farm-house, and the *Villa Urbana* or *Pseudo-urbana*, a residence in the country or in the suburbs of a town. When both of these were attached to an estate, they were generally united in the same range of buildings, but sometimes they were placed at different parts of the estate. The part of the *villa rustica* in which the produce of the farm was kept is distinguished by Columella by a separate name, *villa fructuaria*.

II. The *villa* attached to a large farm had two courts (*cohortes, chortes, cortes*).[3] At the entrance to the outer court was the abode of the *villicus*, in order that he might observe who went in and out, and over the door was the room of the *procurator*.[4] Near this, in as warm a place as possible, was the kitchen, which, besides being used for the preparation of food, was the place where the slaves assembled after the labors of the day, and where they performed certain in-door work. Vitruvius places near the kitchen the baths and the press (*torcular*) for wine and oil. In the outer court were also the cellars for wine and oil (*cellæ vinariæ et olearia*), which were placed on the level ground, and the granaries, which were in the upper stories of the farm buildings, and carefully protected from damp, heat, and insects.

III. In both courts were the chambers (*cellæ*) of the slaves, fronting the south. The inner court was occupied chiefly by the horses, cattle, and other live-stock, and here were the stables and stalls. A reservoir of water was constructed in the middle of each court,

[1] *Mart.*, xiv., 39; x., 38.
[2] *Petron.*, 70; *Mart.*, x., 38.
[3] *Varro, R. R.*, i., 13.
[4] *Id., l. c.*; *Colum.*, i., 6.

that in the outer court, for soaking pulse and other vegetable produce, and that in the inner, which was supplied with fresh water by a spring, for the use of the cattle and poultry.

2. VILLA URBANA.

IV. The *Villa Urbana* or *Pseudo-urbana* was so called because its interior arrangements corresponded for the most part to those of a town house. Our chief sources of information on the subject of the *villa urbana* are two letters of Pliny, in one of which[1] he describes his Laurentine villa, in the other[2] his Tuscan, with a few allusions in one of Cicero's letters, and, as a most important illustration of these descriptions, the remains of a suburban villa at Pompeii.

V. The clearest account is that given by Pliny in the first of the two letters mentioned above, from which, therefore, the following description is for the most part taken. The villa was approached by an avenue of plane-trees leading to a portico, in front of which was a *xystus* divided into flower-beds by borders of box. The xystus formed a terrace, from which a grassy slope, ornamented with box-trees cut into the figures of animals, and forming two lines opposite to one another, descended till it was lost in the plain, which was covered with *acanthus*.[3] Next to the portico was an *atrium*, smaller and plainer than the corresponding apartment in a town house.

VI. Next to the *atrium* in Pliny's Laurentine villa was a small elliptic peristyle, the intervals between the columns of which were closed with windows of mica (*specularibus*). The open space in the centre of this peristyle seems often to have been covered with moss and ornamented with a fountain. Opposite to the middle of this peristyle was a pleasant *cavædium*, and beyond it an elegant *triclinium*, standing out from the other buildings, with windows or glazed doors in the front and sides, which thus commanded a view of the grounds and of the surrounding country, while behind there was an uninterrupted view through the cavædium, peristyle, atrium, and portico into the xystus and the open country beyond.

VII. Attached to the villa were a garden, *ambulatio*, *gestatio*, *hippodromus*, *sphæristerium*, and, in short, all necessary arrangements for enjoying different kinds of exercise.

3. HORTUS.

VIII. The Romans, like the Greeks, labored under the disadvantage of a very limited flora. This disadvantage they endeavored to overcome by arranging the materials they did possess in such a way as to produce a striking effect. The description of Pliny's

[1] *Plin., Ep.*, ii., 17. [2] *Id. ib.*, v., 6. [3] *Id. ib.*

garden[1] attached to his Tuscan villa has just been given. In front of the portico, as in that case, there was generally a *xystus* or flat piece of ground, divided into flower-beds of different shapes by borders of box. There were also such flower-beds in other parts of the garden. Sometimes they were raised so as to form terraces, and their sloping sides were planted with evergreens or creepers.

IX. The most striking features of a Roman garden were lines of large trees, among which the plane appears to have been a great favorite, planted in regular order; alleys or walks formed by closely-clipped hedges of box, yew, cypress, and other evergreens; beds of acanthus, rows of fruit-trees, especially of vines, with statues, pyramids, fountains, and summer-houses. The trunks of the trees, and the parts of the house or of any other buildings which were visible from the garden, were often covered with ivy.[2] In one respect the Roman taste differed most materially from that of the present day, namely, in their fondness for the *ars topiaria*, which consisted in tying, twisting, or cutting trees and shrubs (especially the box) into figures of animals, ships, letters, &c. The importance attached to this part of agriculture is proved not only by the description of Pliny, and the notices of other writers,[3] but also by the fact that *topiarius* is the only name used in good Latin writers for the ornamental gardener. Cicero mentions the *topiarius* among the higher class of slaves.[4]

X. The flowers which the Romans possessed, though few in comparison with the species known to us, were more numerous than some writers have represented; but the subject still requires investigation. The principal garden flowers seem to have been violets and roses, and they also had the crocus, narcissus, lily, gladiolus, iris, poppy, amaranth, and others. Conservatories and hot-houses are not mentioned by any writer earlier than the first century of our era. They are frequently referred to by Martial.[5] They were used both to preserve foreign plants and to produce flowers and fruit out of season.[6] Columella and Pliny[7] speak of forcing-houses for grapes, melons, &c. In every garden there was a space set apart for vegetables.

XI. Flowers and plants were also kept in the central space of the peristyle, on the roofs, and in the windows of the houses. Sometimes in a town, where the garden was very small, its walls were painted in imitation of a real garden, with trees, fountains, birds,

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[1] *Plin., Ep.*, v., 6.
[2] *Id. ib.*, v., 6; *Cic., ad Q. Fr.*, iii., 1, 2.
[3] *Plin., H. N.*, xvi., 33, 60; xxi., 11, 39; *Martial*, iii., 19.
[4] *Cic., Parad.*, v., 2.
[5] *Mart.*, viii., 14; iv., 19; xiii., 127.
[6] *Colum.*, xi., 3.
[7] *H. N.*, xix., 5.

&c., and the small area was ornamented with flowers in vases. A beautiful example of such a garden was found at Pompeii.[1]

XII. The gardens at Rome most frequently mentioned in the classics were *horti Cæsaris*,[2] *Luculli*,[3] *Martialis*,[4] *Neronis*,[5] *Pompeii*,[6] *Sallustii*,[7] the property first of Sallust the historian, then of his grand-nephew and adopted son, afterward of the emperors; *Senecæ*,[8] and *Tarquinii Superbi*,[9] the most ancient in the city.

4. AMBULATIO.

XIII. By the term *Ambulatio*, in its present connection, is meant an avenue or walk shaded by umbrageous trees, in which exercise was taken by walking. In some of these shady walks the marble column arose amid the trees, and fountains constantly playing added to the coolness and beauty of the scene. Other *ambulationes*, already referred to, were places for walking, under cover, and formed an actual part of the villa.[10]

5. GESTATIO.

XIV. The *Gestatio* was a part of an ornamental garden or pleasure-ground divided into shady walks and vistas of sufficient extent for the proprietor and his guests to be carried about them for exercise in a litter (*lectica*). Sometimes, as is thought, the *gestatio* was also employed for riding in; but where there was a regular hippodrome, such a use of it would seem to be superfluous.[11]

6. HIPPODROMUS.

XV. The *Hippodromus* was a place for running or horse-exercise, in the form of a circus, consisting of several paths divided by hedges of box, ornamented with topiarian work, and surrounded by large trees. One reading gives the form of the word in Pliny as *Hypodromus*, but this is evidently erroneous.[12]

7. SPHÆRISTERIUM.

XVI. The *Sphæristerium* was a place set apart for playing ball, either under cover, and then forming part of the villa, or else in the

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1 *Gell's Pompeiana*, ii., 4.
2 *Hor.*, *Sat.*, i., 9, 18; *Suet.*, 83.
3 *Tac.*, *Ann.*, xi., 1, 37.
4 *Mart.*, iv., 64.
5 *Tac.*, *Ann.*, xiv., 3; xv., 44.
6 *Cic.*, *Phil.*, ii., 29.
7 *Tac.*, *Ann.*, iii., 30; *Id.*, xiii., 47.
8 *Id.*, xiv., 52; *Juv.*, x., 16.
9 *Liv.*, i., 54; *Ovid*, *Fast.*, ii., 703.
10 *Cic.*, *Dom.*, 44; *Id.*, *Orat.*, ii., 20; *ad Att.*, xiii., 29; *Gell.*, i., 2; *Hor.*, *Od.*, ii., 15, 16; *Juv.*, iv., 5.
11 *Plin.*, *Ep.*, v., 6; ii., 17; *Becker's Gallus*, p. 287.
12 *Plin.*, *Ep.*, v., 6, 32; *Gierig*, *ad Plin.*, *l. c.*; *Mart.*, xii., 50.

open air. In the latter case sunny spots were selected; in the former, the place was either warmed by flues or faced the sun.[1]

March 4. 1852.

CHAPTER XXXVI.

ROMAN EDUCATION.

I. If any one thing more strikingly than another develops the austerity of the Roman character, and its propensity to domination, it is the arbitrary power which the father possessed over his children. By the laws of nature, immediate authority over the children belongs to the father only for the time during which they require his providing care, protection, and guidance. The humanity and right feeling of the Grecian legislators led them to take the matter in this point of view, allowing the authority of the father to last only till the son was of a certain age, or till he married, or was entered on the list of citizens; and they so restricted his power, that the utmost a father could do was to eject his son from his house, and disinherit him.

II. Not so in Rome. There the child was born the property of his father, who could dispose of it as he saw fit. This power might last, under certain limitations, till the death of the father.[2] It is not clear whether the barbarous custom of exposing children was also allowed by law; still the expression *tollere infantes liberos* intimates a custom similar to that of the Greeks.

III. The first part of the children's education was under the superintendence of the mother, and not intrusted to slaves, and those requisite to attend and wait on the children were chosen with great care, it being important that they should be free from vicious discourse and bad dialect, which would have been detrimental to their charge. In the earliest times the first instruction was, perhaps, given in the house.[3] Schools, however, were no doubt soon established, even for girls, if the story of Virginia is to be believed.[4]

IV. Next to Plautus, Horace[5] gives the most graphic and attractive picture of these schools. He had been brought by his father to Rome because the school at Venusia was of an inferior sort, and he describes how the boys sauntered to school with their satchels and counting tablets. Ovid also was brought with his brother from Sulmo to Rome. The instruction in these schools was very simple; reading, writing, arithmetic were the subjects, and, in par-

[1] *Plin.*, *Ep.*, v., 6, 27; *Becker's Gallus*, p. 282.
[2] *Dionys.*, ii., 26.
[3] *Plaut.*, *Bacch.*, iii., 3, 37.
[4] *Dionys.*, xi., 28.
[5] *Sat.*, i., 6, 72.

ticular, the learning by heart the Twelve Tables of the Roman law.

V. It was not till after the subjugation of Southern Italy, which brought the Romans into closer contact with the Greeks, and made them acquainted with their arts and sciences, that they felt the necessity of having domestic teachers, by associating with whom the children might become accustomed to the Greek tongue at an early age. Thus, in compliance with a Greek custom, *pædagogi* became usual, who, if they did not instruct the children themselves, used to escort them to school, as the *nutrices* did the girls. As a natural consequence, the instruction at the schools, or *ludi literarii*, became different from what it had been. The understandings, feelings, and taste began to be formed by a perusal of Greek authors, especially Homer, with whom they commenced.[2]

VI. The higher classes frequently had their children educated at home even later in life, or they returned to it again to complete their studies. Rising youth were also sent to attend the schools of the rhetoricians, a custom which took place even before they had assumed the *toga virilis*.[3] After the subjugation of Greece, it was not uncommon for persons who wished to give their sons a more polished education to send them to Athens.

March 5. 1852.

CHAPTER XXXVII.

ROMAN METHOD OF WRITING, &c.

PAPYRUS.—PARCHMENT.—PALIMPSESTS.—TABULÆ CERATÆ.—LETTERS.—SHORT-HAND WRITING.—INSTRUMENTS FOR WRITING.—CALAMUS.—STILUS.—INK.—BOOKS.—BOOKSELLERS.—PUBLIC LIBRARIES.

1. PAPYRUS, PARCHMENT, &c.

I. The most common material on which books were written by the Greeks and Romans was the thin coats or rind (*liber*, whence the Latin name for a book) of the Egyptian papyrus. This plant was called by the Egyptians *byblus* (βύβλος), whence the Greeks derived their name for a book (βιβλίον). It formed an article of commerce long before the time of Herodotus,[4] and was extensively used in the western parts of Europe, as is proved by the number of rolls of *papyri* found at Herculaneum.

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1 *Cic., Leg.*, ii., 23.
2 *Plin., Ep.*, ii., 14.
3 *Ovid, Trist.*, iv., 10, 15; v., 27.
4 *Herod.*, v., 58.

II. In the sixth century of the Christian era, the duty on imported papyrus was abolished by Theodoric the Great, on which occasion Cassiodorus wrote a letter,[1] in which he congratulates the world on the cessation of a tax so unfavorable to the progress of learning and commerce. The papyrus-tree grows in swamps to the height of ten feet and more, and paper was prepared from the thin coats or pellicles which surround the plant, in the following manner, according to Pliny.[2] The different pieces were joined together by means of the turbid Nile water, as it has a kind of glutinous property. A layer of papyrus (*scheda* or *philyra*) was laid flat on a board, and a cross layer put over it; and, being thus prepared, the layers were pressed, and afterward dried in the sun. The sheets were then fastened or pasted together, the best being taken first, and then the inferior sheets. There were never more than twenty in a *scapus* or roll.

III. The papyri found in Egyptian tombs differ very much in length, but not much in breadth, as the breadth was probably determined by the usual length of the strips taken from the plant. The length might be carried to almost any extent by fastening one sheet to another. The writing was in columns, with a blank slip between them.[3] The form and appearance of the papyri rolls will be understood from the following wood-cut, taken from paintings found at Pompeii:[4]

IV. The paper made from the papyrus, and which was called *Charta*, was of different qualities. The best was named after Augustus; the second, after Livia; the third, which was originally the best, was called *Hieratica*, because it was appropriated to the sacred books. The finest paper was subsequently called *Claudia*, from the Emperor Claudius. The inferior kinds were called *Amphitheatrica*, *Saitica*, *Leneotica*, from the places in Egypt where it was made, and also *Fauniana*, from one Faunius, who had a celebrated manufactory at Rome. The kind called *Emporetica* was not fit for writing upon,

[1] *Cassiod.*, xi., 38.
[2] *H. N.*, xiii., 23.
[3] *Egyptian Antiqs.*, vol. ii., ch. vii., *Lond.*, 1836.
[4] *Gell, Pomp.*, vol. ii., p. 187.

but was chiefly used by merchants for packing their goods, from which circumstance it obtained its name (ἔμπορος, a merchant).[1]

V. Next to the papyrus, parchment (*membrana*, *charta pergamena*) was the most common material for writing upon. It is said to have been invented by Eumenes II., king of Pergamus, in consequence of the prohibition of the export of papyrus from Egypt by Ptolemy Epiphanes.[2] It is probable, however, that Eumenes introduced only some improvement in the manufacture of parchment, as Herodotus mentions writing on skins as common in his time, and says that the Ionians had been accustomed to give the name of skins (διφθέραι) to books.[3] Other materials are also mentioned as used for writing on, but books appear to have been almost invariably written either upon papyrus or parchment.

VI. The ancients wrote usually on only one side of the paper or parchment, and hence Juvenal speaks of an extremely long tragedy as "*scriptus et in tergo.*"[4] Such works were called *Opisthographi*,[5] and are also said to be written "*in aversa charta.*"[6] The back of the paper, instead of being written upon, was usually stained with saffron color or the *cedrus*.[7] We learn from Ovid that the cedrus produced a yellow color.[8] As parchment and paper were dear, it was frequently the custom to erase, with pumice stone or in some other way, writing considered of little importance, and to write upon the paper or parchment again, which was then called *Palimpsestus* (παλίμψηστος). This practice is mentioned by Cicero,[9] who praises his friend Trebatius for having been so economical as to write upon a palimpsest, but wonders what those writings could have been which were considered of less importance than a letter.[10]

VII. It is probable that this practice of obliterating, and re-writing upon the same skin, was sometimes pursued by the Greek and Roman booksellers, in cases where the original composition was of little interest or value; but none of those now actually in existence are believed to possess a higher date than the ninth century; and it is often found that works of superior merit have been washed out in order to receive other matter, the original writing underneath being still discoverable and even legible. Thus Cicero's treatise *De Republica* was found and deciphered by A. Maio under a commentary of St. Augustin on the Psalms.

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1 *Plin.*, *H. N.*, xiii., 23. 2 *Id.*, xiii., 21. 3 *Herod.*, v., 58.
4 *Juv.*, i., 5. 5 *Plin.*, *Ep.*, iii., 5. 6 *Mart.*, viii., 62.
7 *Juv.*, vii., 23; *Pers.*, iii., 10. 8 *Ov.*, *Trist.*, iii., 1, 13. 9 *Ep.*, *ad Fam.*, vii., 18.
10 Compare *Catull.*, xxii., 5; *Mart.*, xiv., 7.

2. TABULÆ CERATÆ.

VIII. In the case of writing where great length was not required, waxen tablets (*tabulæ ceratæ*) were almost always employed. These were thin pieces of wood, usually of an oblong shape, covered over with wax (*cera*). The wax was written on by means of the *stilus*, which will be presently described. These tablets were sometimes made of ivory and citron-wood,[1] but generally of a wood of a more common tree, as the beech, fir, &c. The outer side of the tablets consisted merely of the wood; it was only the inner side that was covered over with wax. They were fastened together at the back by means of wires, which answered the purpose of hinges, so that they opened and shut like our books; and to prevent the wax of one tablet from rubbing against the wax of the other, there was a raised margin around each, as will be clearly seen in the wood-cut to be given under *Stilus*. There were sometimes two, three, four, five, or even more tablets fastened together in the above-mentioned manner.

IX. The pages of these tablets were frequently called by the name of *ceræ* alone; thus we read of *prima cera*, *altera cera*, "first page," "second page."[2] In tablets containing important legal documents, especially wills, the outer edges were pierced through with holes (*foramina*), through which a triple thread (*linum*) was passed, and upon which a seal was then placed. This was intended to guard against forgery; and if it was not done, such documents were null and void.[3]

3. LETTERS.

X. Letters were frequently written on such tablets, which were secured by being fastened together with packthread,[4] drawn probably crossways, and where the string was tied a seal was placed, made of wax or of a kind of sealing earth called *cretula*.[5] The impress on the seal was made by the signet ring. Love-letters were written on very small tablets called *Vitelliani*.[6] If the letter were written by a *librarius* or copyist, the seal afforded the only guarantee of its genuineness, for which reason the seal was generally examined previous to opening the letter, and before it was injured by cutting the string asunder.[7] Letters were sent by a messenger, commonly a slave, called *Tabellarius*,[8] for the Romans had no established

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[1] *Mart.*, xiv., 3, 5.
[2] Compare *Suet.*, *Ner.*, 17.
[3] *Suet.*, *l. c.*; *Paulus*, *Sent. Rec.*, v., 25, 6.
[4] *Cic.*, *Cat.*, iii., 5; *Ov.*, *Ep.*, xviii., 28.
[5] *Cic.*, *Verr.*, iv., 9.
[6] *Mart.*, xiv., 8, 9.
[7] *Becker's Gallus*, p. 250.
[8] *Cic.*, *Phil.*, ii., 31; *ad Fam.*, xii., 12; *Verr.*, iii., 79.

post. There sometimes was an inscription on the outside of the letter, sometimes not.

XI. Legal documents, and especially wills, were almost always written on waxen tablets, as already mentioned. Such tablets were also used for accounts, in which a person entered what he had received and expended,[1] and hence *novæ tabulæ* means an abolition of debts either in whole or in part.[2]

XII. In writing letters the Romans always put their own name first, and then that of the person to whom they wrote, sometimes with the addition of *Suo*, as a mark of familiarity and fondness. If the person addressed was invested with any office, that likewise was mentioned. After this introduction they put the letter S. for *Salutem*, scil. *dicit*, "wishes health," as the Greek *χαίρειν*, or the like. Hence *salutem alicui mittere*,[3] to send one's compliments. Sometimes they began with the formula *Si vales, bene est, ego valeo*,[4] commonly marked by capital letters merely, as, S. V. B. E. E. V. They usually ended with *Vale*, or *Cura ut valeas*, &c., but never subscribed their names as we do. The day of the month, sometimes the hour, was annexed.

XIII. Waxen tablets continued to be used in Europe for the purposes of writing in the Middle Ages, but the oldest of those with which we are acquainted (excepting the two to be mentioned presently) belongs to the year 1301 A.D., and is preserved in the Florentine Museum.

Two ancient tablets were discovered in 1835,[5] in a perfect state of preservation, one in a gold mine four or five miles from the village of Abrudbànyá in Transylvania, and the other in a gold mine in the village itself. Both the tablets are *triptycha*, that is, they consist of three tablets each. One is made of fir-wood, the other of beech-wood, and each is about the size of what we call a small octavo. There are letters on both of them, but on the beechen tablets they are few and indistinct. The writing on the fir-wood tablets is both greater in quantity, and in a much better state of preservation. It is in Latin, and is a copy of a document relating to some business connected with a *collegium*. The names of the consuls are given, which determines its date to be A.D. 169. One of the most extraordinary things connected with this tablet is that it is written from right to left. The form of the writing, moreover, satisfactorily proves, in opposition to the commonly received opinion among scholars, that a cursive hand-writing did actually exist among the Romans, and that they did not always write with capital letters, or in what may be termed the statuary hand.

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[1] *Cic. pro Rosc. Com.*, 2.
[2] *Suet., Cæs.*, 42; *Cic., de Off.*, ii., 23.
[3] *Plaut. Pseud.*, i., 1, 39.
[4] *Senec., Ep.*, i., 15.
[5] *Foreign Quarterly Rev.*, vol. xxviii., p. 1, *seqq.*

4. SHORT-HAND WRITING.

XIV. The first introduction of the art of short-hand writing (*ars notaria*) among the Romans is ascribed to Cicero.[1] Among the Greeks it is said to have been invented by Xenophon. Cicero himself sometimes wrote in short-hand for the sake of brevity or secrecy.[2] Dion Cassius,[3] however, attributes the invention of stenography to Mæcenas, while, on the other hand, Eusebius, in his *Chronicon*, ascribes it to Tiro, the freedman of Cicero, and hence the system of abbreviated writing, in which some manuscripts are written, has received the name of *Notæ Tironianæ*; but there is no evidence to show whether this species of short-hand was really the invention of Tiro. It would appear, moreover, from several passages in ancient writers, that the system of short-hand employed in the time of the Roman empire must have been of a much simpler and more expeditious kind than the *Notæ Tironianæ*.[4]

XV. Many of the wealthy Romans kept slaves, who were trained in the art.[5] Thus the elder Pliny, when travelling, used to carry a *notarius* with him, that the slave might be ready to take down any thing that he wished.[6] The art was also learned even by the Roman nobles, and the Emperor Titus was a great proficient in it.[7] At a later time, it appears to have been generally taught in the schools, and hence Fulgentius[8] divides the writing taught in the schools into two kinds, the *Abecedaria* and the *Notaria*, the former being the regular letters of the alphabet, and the latter stenography. There were, moreover, short-hand writers (*notarii*) by profession, who were chiefly employed in taking down (*notare, excipere*) the proceedings in the courts of justice. At a later period they were called *exceptores*.[9]

5. INSTRUMENTS OF WRITING.

XVI. For writing on papyrus or parchment, the Romans used a pen made out of a sort of reed (*calamus*[10]). The best kinds were obtained from Egypt and Cnidus.[11] When the reed became blunt, it was sharpened with a knife (*scalprum librarium*[12]), and to a reed so sharpened the epithet *temperatus*, used by Cicero,[13] probably refers. The following wood-cut represents some *calami* and ink-stands.

XVII. Another instrument for writing was the *Stilus*. This was generally of iron, resembling a pencil in size and shape, and was used

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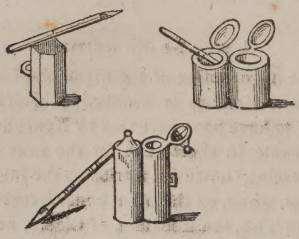
1 *Plut., Cat. Min.*, 23.
2 *Cic., ad Att.*, xiii., 32.
3 *Dion Cass.*, lv., 7.
4 *Senec., Ep.*, 90; *Manil.*, iv., 197; *Mart.*, xiv., 208.
5 *Senec., l. c.*
6 *Plin., Ep.*, iii., 5.
7 *Suet., Tit.*, 3.
8 *Mytholog.*, iii., 10.
9 *Dig.*, 19, tit. 2, s. 19, § 9.
10 *Cic., ad Att.*, vi., 8; *Hor., Ep. ad Pis.*, 447.
11 *Plin., H. N.*, xvi., 36, 64.
12 *Tac., Ann.*, v., 8; *Suet., Vitell.*, 2.
13 *Ad Q. Fr.*, ii., 15.



for writing upon waxen tablets.[1] At one end it was sharpened to a point for making the characters upon the wax,[2] while the other end, being flat and circular, served to render the surface of the tablets smooth again, and so to obliterate what had been written. Hence *vertere stilum* means "to correct."[3] The *stilus* was also termed *graphium*,[4] and the case in which it was kept *graphiarium*,[5] or *graphiaria theca*.[6] The following wood-cut is from a picture found in Herculaneum, and represents both the *stilus* and *tabulæ*:

6. INK (ATRAMENTUM).

XVIII. Ink (*atramentum*) among the Romans is first found mentioned in certain passages of Cicero and Plautus. Pliny informs us how it was made. He says "it was made of soot in various ways, with burned resin or pitch; and for this purpose," he adds, "they have built furnaces which do not allow the smoke to escape. The kind most commended is made in this way from pine wood. It is mixed with soot from the furnaces or baths (that is, the hypocausta of the baths), and this they use *ad volumina scribenda*. Some also make a kind of red ink by boiling and straining the lees of

[1] *Plaut.*, *Bacch.*, iv., 4, 63; *Plin.*, *H. N.*, xxxiv., 14.
[2] *Quintil.*, i., 1, 27
[3] *Hor.*, *Sat.*, i., 10, 72.
[4] *Ovid*, *Am.*, i., 11, 23; *Suet.*, *Jul.*, 82.
[5] *Mart.*, xiv., 21.
[6] *Suet.*, *Claud.*, 35.

wine," &c.[1] With this account the statements of *Vitruvius* in the main agree.[2]

XIX. The black matter emitted by the cuttle-fish (*sepia*), and hence itself called *sepia*, was also used for *atramentum*.[3] Pliny observes that an infusion of wormwood with ink preserves a manuscript from mice.[4] On the whole, perhaps it may be said that the inks of the ancients were more durable than our own; that they were thicker and more unctuous, in substance and durability more resembling the ink now used by printers. An ink-stand was discovered at Herculaneum containing ink as thick as oil, and still usable for writing. It would appear that this gummy character of the ink, preventing it from running to the point of the pen, was much complained of by the ancient Romans, as it is among our own selves.

XX. Something like sympathetic ink, which is invisible until heat or some preparation be applied, appears to have been not uncommon. So Ovid[5] advises writing love-letters with fresh milk, which would be unreadable until the letters were sprinkled with coal-dust. Ausonius gives the same directions.[6] Pliny[7] suggests that the milky sap contained in some plants might be used in this same way.

XXI. Ink-stands[8] were either single or double. The double ink-stands were probably intended to contain both black and red ink, much in the modern fashion. They were also of various shapes, as, for example, round or hexagonal. They had covers to keep the dust from the ink. The first wood-cut on the preceding page gives the forms of some discovered at Pompeii.

7. BOOKS.

XXII. The paper or parchment was joined together so as to form one sheet, and when the work was finished, it was rolled on a stick or reed, the last part of the paper or parchment having been fastened to the same before the operation of rolling began. Hence the book was called *volumen*, a roll, and hence the expression *evolvere librum*.[9] When an author divided a work into several books, it was usual to include only one book in a volume or roll, so that there was generally the same number of volumes as of books.[10] When a book was long, it was sometimes divided into two or more volumes.[11]

XXIII. In the papyri rolls found at Herculaneum, the stick on

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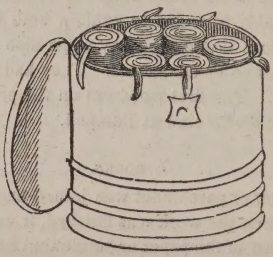
1 *Plin., H. N.*, xxxvi., 5.
2 *Vitruv.*, vii., 10, p. 197, *ed. Schneid.*
3 *Cic., N. D.*, ii., 50; *Pers.*, iii., 12.
4 *Plin., H. N.*, xxvii., 7.
5 *A. A.*, iii., 627.
6 *Auson., Epist.*, xxiii., 21.
7 *H. N.*, xxvi., 8.
8 *Pollux*, iv., 18; x., 59.
9 *Cic., ad Att.*, ix., 10.
10 Compare *Ovid, Trist.*, i., 1, 117; *Cic., Tusc.*, iii., 3.
11 *Plin., Ep.*, iii., 5.

which the papyrus is rolled does not project from the papyrus, but is concealed by it. Usually, however, there were balls or bosses, ornamented or painted, called *umbilici* or *cornua*, which were fastened at each end of the stick, and projected from the papyrus.[1] Hence the expression *ad umbilicum adducere*, "to finish a work." The ends of the roll were carefully cut, polished with pumice-stone, and colored black; they were called the *geminæ frontes*.[2]

XXIV. To protect the roll from injury, it was frequently put in a parchment wrapper, which was stained with a purple color or with the yellow of the *lutum*. Martial calls such a covering a *purpurea toga*.[3] Something of the same kind is meant by the Greek σιττύβαι,[4] which Hesychius explains by δερμάτιναι στολαί.

XXV. The title of the book was written on a small strip of papyrus or parchment in a light red color (*coccum* or *minium*). Winckelmann supposed that the title was on a kind of ticket suspended to the roll, but it was most probably stuck on the papyrus itself.

XXVI. Books were generally kept in a kind of box, called *capsa*, usually made of beech-wood,[5] and of a cylindrical form. The following wood-cut represents an open *capsa* with six rolls or books in it, from a painting at Pompeii.



There does not appear to have been any difference between the *capsa* and the *scrinium*, except that the latter word was usually applied to those boxes which held a considerable number of rolls.[6] Boxes used for preserving other things besides books were also called *capsæ*,[7] whereas in the *scrinia* nothing appears to have been kept but books, letters, and other writings. The slaves who had charge of these book-chests were called *capsarii* and also *custodes scriniorum*; and the slaves who carried in a *capsa*, behind their young masters, the books, &c., of the sons of respectable Romans

[1] *Mart.*, iii., 2; v., 6; *Tibull.*, iii., 1, 14; *Ovid, Trist.*, i., 1, 8. [2] *Ovid, l. c.*
[3] *Mart.*, x., 93. [4] *Cic., ad Att.*, iv., 5. [5] *Plin., H. N.*, xvi., 43.
[6] *Mart.*, i., 3. [7] *Plin., H. N.*, xv., 17; *Mart.*, xi., 8.

when they went to school, were also called *capsarii*.[1] We accordingly find them mentioned together with the *pædagogi*.[2]

8. BOOKSELLERS.

XXVII. As the demand for books increased toward the end of the republic, and it became the fashion for the Roman nobles to have a library, the trade of booksellers naturally arose. They were called *Librarii*[3] and *Bibliopōlæ*.[4] Their shop was called *taberna libraria*.[5] These shops were chiefly in the *Argiletum*[6] and in the *Vicus Sandalarius*.[7] On the shop door, or the pillar, as the case might be, there was a list of the titles of books on sale: allusion is made to this by Horace[8] and Martial.[9] The price at which books were sold seems to have been moderate. Martial[10] says that a good copy of the first book of his epigrams might be had for five denarii. In the time of Augustus, the Sosii appear to have been the great booksellers at Rome.[11]

XXVIII. The *librarii* or *bibliopolæ* not only transcribed the books themselves, but also kept assistants for the greater and more rapid multiplication of copies of them.[12] Their business seems mostly to have been considered merely in a mercantile point of view, whence celerity was desired rather than correctness.[13] And for this reason, authors employed their friends to look over their copies and correct the errors.

XXIX. In what relation the bookseller and author stood to each other is not an uninteresting subject for inquiry. People are usually inclined to suppose that the ancient authors wrote only for the sake of reputation, and did not expect any pecuniary renumeration. If, however, this may be considered as in general true, and especially in the earlier times, still there is no doubt that in other cases writers obtained a substantial gain from their works. If Plautus, Terence, and others sold their comedies to the ædiles, it will surely not appear strange that other authors should receive remuneration for their labors. Thus the elder Pliny was offered by a private individual the sum of four hundred thousand sesterces for his *Commentarii electorum*.[14] This was, it is true, not the offer of a bookseller, but Martial frequently states that transactions of this nature did take place between them, as, for instance,[15] when he

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1 *Juv.*, x., 117.
2 *Suet.*, *Ner.*, 36.
3 *Cic.*, *de Leg.*, iii., 20.
4 *Mart.*, iv., 71; xiii., 3.
5 *Cic.*, *Phil.*, ii., 9.
6 *Mart.*, i., 4.
7 *Gell.*, xviii., 4.
8 *Ep. ad Pis.*, 372.
9 *Mart.*, i., 118.
10 *Id.*, *l. c.*
11 *Hor.*, *Ep.*, i., 20, 2; *Ep. ad Pis.*, 345.
12 *Becker's Gallus*, p. 245.
13 *Id. ib.*
14 *Plin.*, *Ep.*, iii., 5.
15 *Mart.*, *Ep.*, iv., 71.

recommends those who wished to have his poems presented or lent to them, to purchase them of his bookseller. When, therefore, he elsewhere designates the business of the poet as a poor one, this must be understood of the smallness of the compensation in comparison with that of other more productive occupations.

March 9. 1852.

CHAPTER XXXVIII.

ENTERTAINING OF STRANGERS, &c.

HOSPITIUM PRIVATUM.—HOSPITIUM PUBLICUM.—INNS.

1. HOSPITIUM PRIVATUM.

I. THE hospitality of the Romans was, as in Greece, either *hospitium privatum* or *publicum*. Private hospitality with the Romans, however, seems to have been more accurately and legally defined than in Greece. The character of a *hospes*, or a person connected with a Roman by the ties of hospitality, was deemed even more sacred, and to have greater claims upon the host, than that of a person connected by blood or affinity. The relation of a *hospes* to his Roman friend was next in importance to that of a cliens.[1]

II. The obligations which the connection of hospitality with a foreigner imposed upon a Roman were to receive in his house his *hospes* when travelling, and to protect, and, in case of need, to represent him as his patron in the courts of justice.[2] Private hospitality thus gave to the *hospes* the claims upon his host which the client had on his patron, but without any degree of the dependence implied in the clientela.

III. Private hospitality was established between individuals by mutual presents, or by the mediation of a third person,[3] and hallowed by religion ; for Jupiter Hospitalis was thought to watch over the *jus hospitii*, as Zeus Xenios did with the Greeks, and the violation of it was as great a crime and impiety at Rome as in Greece.[4]

IV. When hospitality was formed, the two friends used to divide between themselves a *tessera hospitalis*.[5] This was sometimes of wood, but in many cases probably of earthenware, having the head of Jupiter Hospitalis stamped upon it.[6] Each party thus retained a portion of the *tessera*, by which afterward they themselves or their descendants (for the connection was hereditary as in Greece) might recognize one another. Hospitality, when once thus established,

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[1] *Gell.*, v., 13.
[2] *Cic. in Q. Cæcil. Div.*, c. 20.
[3] *Serv., ad Æn.*, ix., 360.
[4] *Cic., Verr.*, iv., 22; *ad Q. Fr.*, ii., 12.
[5] *Plaut., Pœn.*, v., 2, 87.
[6] *Id. ib.*, v., 1, 25.

could not be dissolved except by a formal declaration (*renunti atio*[1]), and in this case each portion of the *tessera* was broken tc pieces.[2]

V. Hospitality was at Rome never exercised in that indiscrimi nate manner as in the heroic age of Greece, but the custom of ob serving the laws of hospitality was probably common to all the nations of Italy.[3] In many cases it was exercised without any formal agreement between the parties, and it was deemed an honorable duty to receive distinguished guests in the house.[4]

2. HOSPITIUM PUBLICUM.

VI. Public hospitality seems likewise to have existed at a very early period among the nations of Italy, and the *fœdus hospitii* mentioned in Livy[5] can scarcely be looked upon in any other light than that of *hospitium publicum.* But the first direct mention of public hospitality being established between Rome and another city, is after the Gauls had departed from Rome, when it was decreed that Cære should be rewarded for its good services by the establishment of public hospitality between the two cities.[6]

VII. The public hospitality after the war with the Gauls gave to the Cærites the right of isopolity with Rome, that is, the civitas or rights of citizenship, without the right of voting or of holding office. In the later times of the republic we no longer find public hospitality established between Rome and a foreign state ; but a relation, which amounted to the same thing, was introduced in its stead, that is, towns were raised to the rank of *municipia,*[7] and thus obtained the *civitas* without the *suffragium* and the *honores;* and when a town was desirous of forming a similar relation with Rome, it entered into *clientela* to some distinguished Roman, who then acted as a patron of the client town.

VIII. The custom, however, of granting the honor of *hospes publicus* to a distinguished foreigner by a decree of the senate seems to have existed down to the end of the republic.[8] Whether such a public *hospes* undertook the same duties toward Roman citizens as the Greek *proxenus* is uncertain ; but his privileges were the same as those of a municeps, that is, he had the *civitas,* but not the *suffragium* and *honores.*

IX. Public hospitality was, like the *hospitium privatum,* hereditary in the family of the person to whom it had been granted.[9] The

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1 *Liv.*, xxv., 18 ; *Cic., Verr.*, ii., 36.
2 *Plaut., Cistell.*, ii., 1, 27.
3 *Ælian, V. H.*, iv., 1 ; *Liv.*, i., 1.
4 *Cic., Off.*, ii., 18 ; *pro Rosc. Am.*, 6.
5 *Liv.*, i., 9.
6 *Id.*, v., 50.
7 *Id.*, viii., 14.
8 *Id.*, i., 45 ; v., 28 ; xxxvii., 54.
9 *Diod. Sic.*, xiv., 93.

honor of a public *hospes* was also sometimes conferred upon a distinguished Roman by a foreign state.

3. CAUPONÆ, &c.

X. It has been maintained by many writers that the Greeks and Romans had no inns for the accommodation of persons of any respectability, and that their πανδοκεῖα and *cauponæ* were mere houses of shelter for the lowest classes. That such, however, was not the case, an attentive perusal of the classical authors will sufficiently show; though it is, at the same time, very evident that their houses of public entertainment did not correspond, either in size or convenience, to similar places in modern times.

XI. A Roman inn was called not only *caupona*, but also *taberna*, and *taberna diversoria*, or simply *diversorium* or *deversorium*. Along all the great roads of Italy there were inns, as we see from the description which Horace gives of his journey from Rome to Brundisium,[1] though the accommodation which they offered was generally of a poor kind. We also find mention of public inns in Italy in other passages.[2] At Rome there must have been many inns to accommodate strangers, but they are hardly ever spoken of. We find, however, frequent mention of houses where wine and ready-dressed provisions were sold, and which appear to have been numerous in all parts of the city.

XII. The houses where persons were allowed to eat and drink were usually called *Popinæ*, and not *Cauponæ*; and the keepers of them *Popæ*. They were principally frequented by slaves and the lower classes,[3] and were, consequently, only furnished with stools to sit upon instead of couches, whence Martial calls these places *sellariolas popinas*.[4] This circumstance is illustrated by a painting found at Pompeii in a wine-shop, representing a drinking scene.

[1] *Sat.*, i., 5.

[2] *Cic. pro Cluent.*, 59; *Phil.*, ii., 31; *Hor., Ep.*, i., 11, 11; *Propert.*, iv., 8, 19; *Acts of the Apostles*, xxviii., 15.

[3] *Cic., pro Mil.*, 24.

[4] *Mart.*, v., 70.

There are four persons sitting on stools round a tripod table. The dress of two of the figures is remarkable for the hoods, which resemble those of the capotes worn by the Italian sailors and fishermen of the present day. They use cups made of horn instead of glasses, and from their whole appearance evidently belong to the lower orders. Above them are different sorts of eatables hung upon a row of pegs.

XIII. Persons who kept inns or houses of entertainment of any kind were held in low estimation both among the Greeks and Romans,[1] and though the epithets of *perfidi* and *maligni* which Horace gives to them[2] may refer only to particular innkeepers, yet they seem to express the common opinion entertained respecting the whole class.

March 10. 1852.

CHAPTER XXXIX.

THE LECTICA AND THE CARRIAGES.

LECTICÆ FUNEBRES.—LECTICÆ FOR THE SICK.—LECTICÆ FOR LUXURY.—DIVISION OF CARRIAGES.—CISIUM.—ESSEDUM.—CARPENTUM.—PILENTUM.—COVINUS.—RHEDA.—PETORRITUM.—BASTERNA.—MANNER OF YOKING THE ANIMALS, &C.

I. With the great love of comfort that distinguished the upper ranks of the Roman world in later times, we may easily imagine that sufficient provision was made for the means of locomotion, unaccompanied by any exertions on their own part. We should form a very erroneous conception if we fancied that the Romans did not possess, as well as the moderns, their travelling, state, and hackney equipages: on the contrary, the means of conveyance in their times, though not so regularly organized as our stage-coaches and omnibuses, nor so generally used by all classes, were even more numerous, and, to a certain extent, better calculated for the purpose they were intended to answer, although this was intimately connected with the system of slaves, and also depended on conditions of climate.

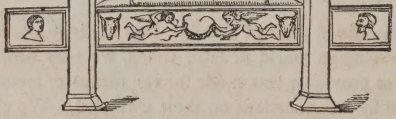
II. These subjects have been often and circumstantially treated of, and but little of importance remains at the present day to be added, so that we shall rather seek to select and properly apply the most essential points of what has already been made known. We will commence with the *lectica*.

[1] *Theophrast.*, *Char.*, 6; *Plat.*, *Leg.*, xi., p. 918, *seq.* [2] *Sat.*, i., 1, 29; i., 5, 4.

1. LECTICA.

III. The *Lectica* was a kind of couch or litter, in which persons, in a lying position, were carried from one place to another. They may be divided into two classes, namely, those which were used for carrying the dead, and those which served as conveniences for the living.

IV. The former of these two kinds of *lecticæ* was also called *lectica funebris*, *lecticula*, *lectus funebris*, *feretrum*, or *capulum;* in it the dead were carried to the grave, and it seems to have been used among the Greeks and Romans from very early times. In the beauty and costliness of their ornaments, these *lecticæ* varied according to the rank and circumstances of the deceased. The *lectica* on which the body of Augustus was carried to the funeral pile was made of ivory and gold, and was covered with costly drapery worked of purple and gold.[1] During the latter period of the empire, public servants (*lecticarii*) were appointed for the purpose of carrying the dead, without any expense to the family to whom the dead belonged.[2] Representations of *lecticæ funebres* have been found on several sepulchral monuments. The following wood-cut represents one taken from the tomb-stone of M. Antonius Antius Lupus:



V. *Lecticæ* for sick persons and invalids seem likewise to have been in use in Greece and at Rome from very early times, and their construction probably differed but little from that of a *lectica funebris*.[3] We also frequently read that generals in their camps, when they had received a severe wound, or when they were suffering from ill health, made use of a *lectica* to be carried from one place to another.[4]

VI. Down to the time of the Gracchi we do not hear that *lecticæ* were used at Rome for any other purposes than those just mentioned. The Greeks, however, had long been familiar with a different kind of *lectica* (*κλίνη* or *φορεῖον*), which was introduced among them from Asia, and which was more an article of luxury than any thing to supply an actual want. It consisted of a bed or mattress,

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[1] *Dion Cass.*, lvi., 34. Compare *Dionys.*, *Ant. Rom.*, iv., 76; *Corn. Nep.*, *Att.*, 22, 2; *Tac.*, *Hist.*, iii., 67.

[2] *Novell.*, 43 and 59.

[3] *Liv.*, ii., 36; *Aurel. Vict.*, *de Vir. Ill.*, c. 34.

[4] *Liv.*, xxiv., 42; *Val. Max.*, ii., 8, 2; *Suet.*, *Aug.*, 91.

and a pillow to support the head, placed upon a kind of bedstead or couch. It had a roof, consisting of the skin of an ox, extended over the couch, and resting on four posts. The sides of this *lectica* were covered with curtains. It appears to have been chiefly used by women, and by men only when they were in ill health.[1] But in the time subsequent to the Macedonian conquests in Asia, *lecticæ* were not only more generally used in Greece, but were also more magnificently adorned.[2]

VII. When this kind of *lectica* was introduced among the Romans, it was chiefly used in travelling, and only very seldom in the city of Rome itself. During the time of the empire, however, it came into much more general use. The curtains, too, were now not thought a sufficient protection for a *lectica*, and consequently we find that *lecticæ* used by men as well as women were closed on the sides with windows made of transparent stone (*lapis specularis*[3]), already referred to.

VIII. The whole *lectica* was of an oblong form, and the person conveyed in it lay on a bed, and the head was supported by a pillow, so that he might read and write in it with ease. The frame-work, as well as the other appurtenances, were, with wealthy persons, probably of the most costly description. The *lectica*, when standing, rested on four feet, generally made of wood. Persons were carried in a *lectica* by slaves (*lecticarii*) by means of poles (*asseres*) attached to it, but not fixed, so that they might easily be taken off when necessary.[4] There can be no doubt that the asseres rested on the shoulders of the *lecticarii*, and not, as some modern writers have thought, on thongs which passed round the necks of these slaves, and hung down from their shoulders.[5]

IX. The act of taking the *lectica* upon the shoulders was called *succollare*,[6] and the persons who were carried in this manner were said *succollari*.[7] The number of *lecticarii* employed in carrying one *lectica* varied according to its size, and the display of wealth which a person might wish to make. The ordinary number was probably two,[8] but varied from two to eight, and the *lectica* is called *hexaphoron* or *octophoron*, according as it was carried by six or eight persons.[9] Wealthy Romans kept certain slaves solely as their *lecticarii*,[10] and for this purpose they generally selected the tallest,

[1] *Plut.*, *Pericl.*, 27; *Id.*, *Eumen.*, 14; *Andocid.*, *de Myst.*, p. 30.
[2] *Plut.*, *Arat.*, 17.
[3] *Juv.*, iv., 20.
[4] *Suet.*, *Calig.*, 58; *Juv.*, vii., 122; iii., 245.
[5] *Senec.*, *Epist.*, 80, 110; *Tertull.*, *ad Uxor.*, i., 4; *Clem. Alex.*, *Pædag.*, iii., 4; *Juv.*, iii., 240, &c.
[6] *Plin.*, *H. N.*, xxxv., 10; *Suet.*, *Claud.*, 10.
[7] *Suet.*, *Otho*, 6.
[8] *Petron.*, 56; *Juv.*, ix., 142.
[9] *Juv.*, i., 64; *Mart.*, ii., 81; vi., 77; *Cic.*, *Verr.*, v., 11.
[10] *Cic.*, *ad Fam.*, iv., 12.

strongest, and handsomest men, and had them always well dressed. The Liburnians were generally preferred for this office. In the time of Martial it seems to have been customary for the *lecticarii* to wear beautiful red liveries. The *lectica* was generally preceded by a slave called *anteambulo*, whose office was to make room for it.[1]

X. Shortly after the introduction of these *lecticæ* among the Romans, and during the latter period of the republic, they appear to have been very common, though they were chiefly used in journeys, and in the city of Rome itself only by ladies and invalids.[2] But the love of this as well as of other kinds of luxury increased so rapidly, that Julius Cæsar thought it necessary to restrain the use of *lecticæ*, and to confine the privilege to certain persons of a certain age, and to certain days of the year.[3]

XI. In the reign of Claudius we find that the privilege of using a *lectica* in the city was still a great distinction, which was only granted by the emperor to his especial favorites.[4] But what until then had been a privilege, became gradually a right assumed by all, and every wealthy Roman kept one or more *lecticæ*, with the requisite number of *lecticarii*. Enterprising individuals began gradually to form companies (*corpus lecticariorum*), and to establish public *lecticæ*, which had their stands (*castra lecticariorum*) in the *regio transtiberina*, and probably in other parts also, where any one might take a *lectica* on hire. The persons of whom these companies consisted were probably of the lower order of freedmen.

XII. The *lecticæ* of which we have hitherto spoken were all portable, that is, they were constructed in such a manner that the *asseres* might easily be fastened to them whenever it was necessary to carry a person in them from one place to another. But the name *lectica*, or, rather, the diminutive *lecticula*, was also sometimes applied to a kind of sofa, which was not moved out of the house. On it the Romans frequently reclined for the purpose of reading or writing; for the ancients, when writing, seldom sat at table as we do, but generally reclined on a couch: in this posture they raised one knee, and upon it they placed the parchment or tablet on which they wrote. From this kind of occupation the sofa was called *lecticula lucubratoria*,[5] or more commonly *lectulus*.[6]

2. CARRIAGES.

We may divide the carriages or vehicles of the Romans into two classes, namely, those having two wheels and those having four.

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[1] *Mart.*, iii., 46; *Plin.*, *Epist.*, iii., 14.
[2] *Dion Cass.*, lvii., 17.
[3] *Suet.*, *Cæs.*, 43.
[4] *Suet.*, *Claud.*, 28.
[5] *Suet.*, *Aug.*, 78.
[6] *Plin.*, *Epist.*, v., 5; *Ov.*, *Trist.*, i., 11, 38.

To the former class belong the *Cisium*, *Essedum*, *Carpentum*, *Pilentum*, and *Covinus*; to the latter, the *Rheda* and *Petorritum*.

(A.) CISIUM.

XIII. The *Cisium* was a light two-wheeled chaise or gig, employed by the Romans as a public and private conveyance when rapidity of transit was required. It carried two persons, the driver and another, was open in front, and furnished with shafts, to which one, or sometimes two out-riggers were added, as is still the practice in the Neapolitan *calessin*. Its form is sculptured on the monumental column at Igel, near Treves, from which the subjoined cut is taken. The *cisia* were drawn by mules.[1] Cicero mentions the case of a messenger who travelled fifty-six miles in ten hours in such vehicles, which were kept for hire at the stations along the great roads; a proof that the ancients considered six Roman miles per hour as an extraordinary degree of speed.[2]

(B.) ESSEDUM.

XIV. The *Essĕdum* or *Esseda* (from the Celtic *Ess*, "a carriage"[3]) was properly a British or Belgic war-car,[4] on two wheels, open in front, but closed behind. The Romans, however, constructed carriages after the same model, which they employed for ordinary purposes, and designated by the same name. Cicero mentions the use of the *essedum* on one occasion by a tribune of the commons as a piece of extravagance;[5] but in the time of Seneca it appears to have been much more common.[6] The *essedum*, like the *cisium*, appears to have been kept for hire at the post-houses or stations.

(C.) CARPENTUM.

XV. The *Carpentum* was one of the earliest kinds of Roman carriages of which we find mention.[7] It was the carriage in which Roman matrons were allowed to be conveyed in the public festal processions;[8] and that this was a considerable privilege is evident from the fact that the use of carriages in the city was entirely forbidden during the whole of the republic. The privilege of riding in a *carpentum* in the public festivals was sometimes granted as a special favor to females of the imperial family.[9] The form of this carriage

1 *Virg.*, *Catal.*, viii., 3; *Cic.*, *Phil.*, ii., 31.
2 *Cic. pro Rosc. Amer.*, 7.
3 *Ginzrot*, vol. i., p. 377.
4 *Virg.*, *Georg.*, iii., 204; *Serv.*, *ad loc.*
5 *Cic.*, *Phil.*, ii., 24.
6 *Sen.*, *Epist.*, 57.
7 *Liv.*, i., 34.
8 *Liv.*, v., 25; *Isid.*, *Orig.*, xx., 12.
9 *Dion Cass.*, lx., 22; *Tac.*, *Ann.*, xii., 42.

is seen in the following medal, struck in honor of the elder Agrippina after her death:

The carpentum was also used by private persons for journeys; and it was likewise a kind of state carriage, richly adorned and ornamented.[1] This carriage contained seats for two, and sometimes for three persons, besides the coachman. It was commonly drawn by a pair of mules, but more rarely by oxen or horses, and sometimes by four horses like a *quadriga*. For grand occasions it was very richly adorned. Agrippina's *carpentum*, as above represented, shows painting or carving on the panels, and the head is supported by Caryatides at the four corners.

(D.) PILENTUM.

XVI. The *Pilentum* was a splendid carriage, furnished with soft cushions, which was used to convey the Roman matrons in sacred processions, and in going to the Circensian and other games.[2] This distinction was granted them by the senate on account of their generosity in giving their gold and jewels on a particular occasion for the service of the state.[3] The Vestal Virgins were conveyed in the same manner. The *pilentum* appears to have been open at both sides, so that those who sat in it might both see and be seen. It was placed commonly on two wheels, but sometimes, if Isidorus be correct, it was furnished with four.[4]

(E.) COVINUS.

XVII. The *Covinus* (from the Celtic *kowain*) was properly a war-car employed by the Belgæ and ancient Britons.[5] It was armed with scythes, and probably had a covering over head. The term, however, is applied also to a species of travelling carriage, adopted by the later Romans after the model of the Belgian car, and which,

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[1] *Prop.*, iv., 8, 23; *Juv.*, viii., 147; ix., 132.
[2] *Virg.*, *Æn.*, viii., 666; *Hor.*, *Epist.*, ii., 1, 192; *Isid.*, *Orig.*, xx., 12.
[3] *Liv.*, v., 25. [4] *Isid.*, *l. c.* [5] *Mela*, iii., 6; *Lucan*, i., 426.

from a passage in Martial, it is inferred, was driven by the owner, who sat inside,[1] and not by a coachman. Like the Belgian car, it was covered on all sides except the front.

(F.) RHEDA.

XVIII. The *Rheda* or *Reda* was a travelling carriage with four wheels. Like the *covinus* and *essedum*, it was of Gallic origin,[2] and may perhaps contain the same root as the German *reiten* and our *ride*. It was the common carriage used by the Romans for travelling, and was frequently made large enough not only to contain many persons, but also baggage and utensils of various kinds.[3]

(G.) PETORRITUM.

XIX. The *Petorritum* was a four-wheeled carriage, which, like the *essedum*, was adopted by the Romans in imitation of the Gauls.[4] It was uncovered. Its name is obviously compounded of *petor*, four, and *rit*, a wheel. Festus, in explaining this etymology, observes that *petor* meant four in Oscan and in Æolic Greek.[5] There is no reason to question the truth of this remark; but since *petor* meant four in many other European languages, it is more probable that the Romans derived the name, together with the fashion of this vehicle, from the Gauls. Gellius expressly says that it is a Gallic word.[6]

(H.) BASTERNA.

XX. In connection with this part of our subject we may also mention the *Basterna*, which was something between a carriage and *lectica*. This was a kind of litter (*lectica*) in which women were carried in the time of the Roman emperors. It appears to have resembled the *lectica* very closely, and the only difference apparently was, that the *lectica* was carried by slaves and the *basterna* by two mules.

3. MANNER OF YOKING.

XXI. Animals were joined to a carriage or vehicle by what was called *Jugum*, a yoke, usually made of wood, but sometimes also of metal, placed upon the neck, one yoke commonly upon two, with a band (*curvatura*) for the neck of each. The following wood-cut will serve to explain this more clearly. The lower figure also shows the method of tying the yoke to the pole, by means of a leathern strap, which was lashed from the two opposite sides over the junction of the pole and yoke.

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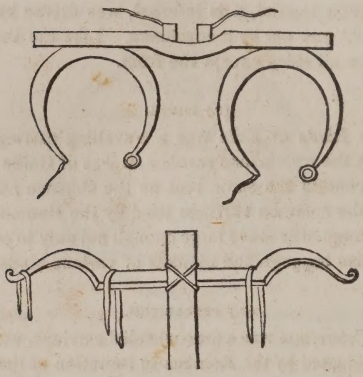
[1] *Mart.*, *Epig.*, ii., 24. [2] *Quint.*, i., 5, 68; *Cæs.*, *Bell. Gall.*, i., 51.
[3] *Cic. pro Mil.*, 10, 20; *Juv.*, iii., 10; *Mart.*, iii., 47; *Hor.*, *Sat.*, i., 5, 86.
[4] *Hor.*, *Sat.*, i., 6, 104. [5] *Festus*, *s. v.* [6] *Gell.*, xv., 30.



XXII. The Greeks and Romans appear never to have used more than one pole and one yoke, and the car thus constructed was commonly drawn by two horses, which were attached to it by their necks, and therefore called *gemini jugales*,[1] or *equi bijuges*.[2] If a third horse was added, as was not unfrequently the case, it was fastened by traces. It may have been intended to take the place of either of the yoke horses which might happen to be disabled. The horse so attached was called in Greek παρήορος.[3] The Latin name for a chariot and pair was *bigæ*. When a third horse was added, it was called *triga;* and by the same analogy, a chariot and four was called *quadrigæ*. Chariots were not much used by the Romans; they were chiefly employed in the public games. The most splendid kind were the *quadrigæ*, in which the Roman generals and emperors rode when they triumphed. The body of the triumphal car was cylindrical, as we often see it represented on medals. It was enriched with gold and ivory.[4] The utmost skill of the painter and sculptor was employed to enhance its beauty and splendor. More particularly the extremities of the axle, of the pole, and of the yoke, were highly wrought in the form of animals' heads. Wreaths of laurel were sometimes hung around it.[5]

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[1] *Virg.*, *Æn.*, vii., 280. [2] *Virg.*, *Georg.*, iii., 91.
[3] *Ginzrot*, i., p. 342, *seqq.*
[4] *Flor.*, i., 5; *Hor.*, *Epod.*, ix., 22; *Ov.*, *Trist.*, iv., 2, 63.
[5] *Claud.*, *Laud. Stil.*, iii., 20.

March 11. 1852.

CHAPTER XL.

ROMAN AGRICULTURE.

COGNITIO FUNDI.—VILLA RUSTICA.—INSTRUMENTA.—OPERATIONS OF AGRICULTURE.—CROPS.—PASTIO.

I. The Romans, during the brightest periods of their history, were devotedly attached to the only lucrative profession in which any citizen could embark with honor, and from the first dawn until the decline of their literature, rural economy formed a favorite theme for composition both in prose and verse.

II. The crops to which the Romans chiefly directed their attention were, 1. Different kinds of grain, such as wheat and barley; leguminous vegetables cultivated for their seeds, such as beans, pease, and lupines; herbs cut green for forage, such as grass, tares, and lucerne; and plants which furnished the raw material for the textile fabrics, such as hemp and flax. 2. Fruit-trees, especially the vine, the olive, and the fig. 3. Garden stuffs.

III. Rural economy may be treated of under two distinct heads, namely, 1. Agriculture proper (*Agricultura*), or the art of tilling the soil, and, 2. The management of stock (*Pastio*).

IV. Agriculture, in a more special sense, comprehends a knowledge of, 1. The subject of our operations, that is, the farm. 2. The instruments required to perform the various operations of husbandry. 3. The operations themselves. 4. The subject of these operations, namely, the different plants considered with reference to their species, varieties, and habits. Under this head we may also conveniently include what is termed the rotation of crops, that is, the order in which they ought to succeed each other upon the same ground.

1. COGNITIO FUNDI.

V. By *Cognitio fundi* is meant the knowledge of the farm. In selecting a farm, the two points which first demanded attention were, 1. The healthiness of the situation (*salubritas*), a matter of the greatest anxiety in Italy, where the ravages of malaria appear to have been not less fatal in ancient than they have proved in modern times; and, 2. The general fertility of the soil. The next object of solicitude was a good aspect. The property was, if possible, to have a southerly exposure, to be sheltered by a wooded hill from the

sweep of boisterous and cutting winds, and not to be liable to sudden misfortunes, such as inundations or violent hail-storms. It was highly important that it should be in the vicinity of a populous town, or if not, that it should be readily accessible either by sea, or by a navigable stream, or by a good, well-frequented road; that there should be an abundant supply of water; that it should be so situated that the proprietor, if he did not live upon the estate, might be able to give active and constant personal superintendence; and, finally, that it should be moderate in size, so that every portion might be brought into full cultivation.

VI. These preliminary matters being ascertained, the soil might be considered in reference to its general external features and to its internal qualities. As far as its external features were concerned, it might be flat (*solum campestre*), or upland rolling ground (*collinum*), or high lying (*montanum*), or might comprise within its limits all three, which was most desirable, or any two of them. These variations would naturally exercise an important influence on the climate, on the description of crops which might be cultivated with advantage, and on the time chosen for performing the various operations.

In so far as its internal qualities were concerned, soil might be classed under six heads, forming three antagonistic pairs: 1. The deep and fat (*pingue*); 2. The shallow and lean (*macrum, jejunum*); 3. The loose (*solutum*); 4. The dense (*spissum*); 5. The wet (*humidum*); 6. The dry (*siccum*); while the endless gradations and combinations of which the elementary qualities were susceptible produced all the existing varieties, such as the stony (*lapidosum*), the gravelly (*glareosum*), the sandy (*arenosum*), the chalky (*cretosum*), &c.

VII. The comparative value of land under cultivation, estimated by the crops which it was capable of bearing, is fixed by Cato[1] according to the following descending scale: 1. Vineyards (*vineæ*), provided they yielded good wine in abundance; 2. Garden ground well supplied with water (*hortus irriguus*); 3. Osier beds (*salicta*); 4. Olive plantations (*oleta*); 5. Meadows (*prata*); 6. Corn land (*campus frumentarius*); 7. Groves which might be cut for timber or fire-wood (*silva cædua*); 8. *Arbusta*. This name was given to fields planted with trees in regular rows, upon which vines were trained, while the open ground was cultivated for corn or leguminous crops in the ordinary manner; 9. Groves yielding acorns, beech-mast, and chestnuts (*glandaria silva*). The fact that in the above scale corn land is placed below meadows may perhaps be regarded as an indication that, even in the time of Cato, agriculture was upon the decline among the Romans.

[1] *Cato, R. R.*, 1.

2. VILLA RUSTICA.

VIII. In erecting a house and offices, great importance was attached to the choice of a favorable position. The site selected was to be elevated rather than low, in order to secure good ventilation, and to avoid all danger of exhalations from running or stagnant water; under the brow of a hill, for the sake of shelter; facing the east, so as to enjoy sunshine in winter and shade in summer; near, but not too near, to a stream, and with plenty of wood and pasture in the neighborhood. The buildings were usually arranged round two courts, with a tank in the centre of each, and divided into three parts, named according to the purposes for which they were destined: 1. *Pars Urbana;* 2. *Pars Rustica;* 3. *Pars Fructuaria.* The *Pars Urbana* comprehended that part of the building occupied by the master and his family; the *Pars Rustica* comprehended the portion occupied by the servants, and in this division were included also the stables, sheds, folds, and inclosures of every description; the *Pars Fructuaria* comprehended that part where the produce of the farm was preserved, consisting of the oil cellar (*cella olearia*), wine vault (*cella vinaria*), hay-lofts, granaries, &c. (Compare page 373.)

3. INSTRUMENTA.

IX. The *Instrumenta* employed to cultivate the ground were twofold: 1. Persons (*homines*); 2. Aids to human toil (*adminicula hominum*), namely, oxen and other animals employed in work, together with tools (*instrumenta*) in the restricted sense of the word.

(A.) HOMINES.

X. The men employed to cultivate a farm might be either, 1. Free laborers (*operarii*), or, 2. Slaves (*servi*).

Cato considers the facility of procuring free laborers as one of the circumstances that ought to weigh with a purchaser in making choice of a farm; for, although a large proportion of the work upon great estates was, during the later ages at least of the Roman republic, always performed by slaves, it was considered advantageous to employ hirelings for those operations where a number of hands were required for a limited period, as in hay-making, the corn harvest, and the vintage. These *operarii* consisted either of poor men with their families, who were hired directly by the farmer, or of gangs who entered into an engagement with a contractor, who, in his turn, bargained with the farmer for some piece of work, or, lastly, of persons who had incurred debt which they paid off in work to their creditors.

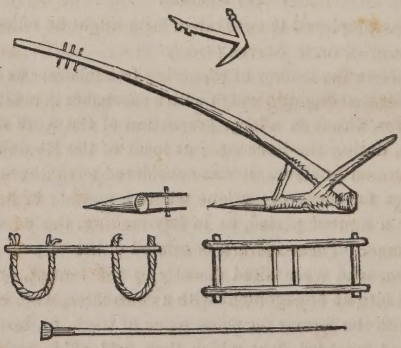
Rustic slaves were divided into two great classes, those who were placed under no direct personal restraint (*servi soluti*), and those who worked in fetters (*servi vincti*) when abroad, and when at home were confined in a kind of prison (*ergastulum*), where they were guarded, and their wants supplied by a jailer. Slaves, moreover, in large establishments, were ranked in bodies, according to the duties which they had to perform. When the owner did not reside upon the property, the whole farming establishment was under the control of a general overseer (*villicus*, *actor*), himself a slave or freedman.

(B.) ADMINICULA HOMINUM.

XI. The domestic animals employed in labor and their treatment will be considered under the second great division of our subject, *Pastio*, or the management of stock.

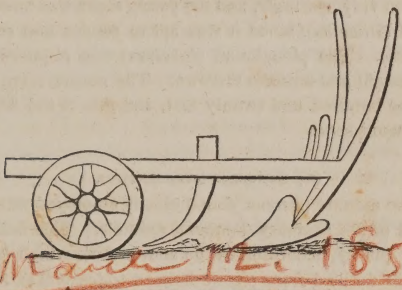
XII. The tools (*instrumenta*) chiefly used by the farmer were the plough (*aratrum*), the rake (*rastrum*), the spade (*ligo*, *pala*), &c. Of these we will confine ourselves to a description of the first merely.

XIII. The plough most commonly represented on ancient monuments is a very simple machine, consisting of the branch of an elm tree either naturally or artificially bent into a crook (*buris*) at one end, which, when sharpened to a point and cased with iron, answered the purpose of a share (*vomer*); another branch growing out of the main one in a direction contrary to the crooked end, served for a plough tail (*stiva*), or handle to guide the machine, and press the share to a sufficient depth into the ground. This form is exhibited in the uppermost figure of the annexed wood-cut, taken from a medal.



The next figure in the cut shows the plough still used in Mysia.

It is a little more complicated than the first plough, inasmuch as it consists of two pieces of timber instead of one, a handle being inserted into the larger piece at one side of it. The following woodcut shows the form of a wheel plough, as represented on a piece of engraved jasper, of Roman workmanship. It also shows distinctly the *temo* or pole, the coulter or *culter*, the *dentale* or share beam, the *buris* or plough tail, and the handle or *stiva*.



4. OPERATIONS OF AGRICULTURE.

XIV. The most important operations performed by the husbandmen were, 1. Ploughing (*aratio*). 2. Manuring (*stercoratio*). 3. Sowing (*satio*). 4. Harrowing (*occatio*). 5. Hoeing (*sarritio*). 6. Weeding (*runcatio*). 7. Reaping (*messio*). 8. Threshing (*tritura*). 9. Winnowing (*ventilatio*). 10. Storing up (*conditio*).

(A.) PLOUGHING.

XV. The number of times that land was ploughed, varying from two to nine, as well as the season at which the work was performed, depended upon the nature of the soil, and the crop for which it was prepared. The object of ploughing being to keep down weeds, to pulverize the earth as finely as possible,[1] and to expose every portion of it in turn to the action of the atmosphere, the operation was repeated again and again,[2] until these objects were fully attained. When stiff low-lying soil was broken up for wheat, it was usual to plough it four times, first (*proscindere*) as early in spring as the weather would permit,[3] after which the land was termed *vervactum*, and hence the god *Vervactor*; for the second time about the summer solstice, under the patronage of the god *Reparator*, and on this occasion the ground was cross-ploughed;[4] for the third time (*tertiare*) about the beginning of September; and for the fourth time shortly before the equinox, when it was ribbed (*lirare*) for the reception of

[1] *Virg.*, *Georg.*, ii., 204. [2] *Id. ib.*, i., 47. [3] *Id. ib.*, i., 63. [4] *Id. ib.*, i., 97.

the seed, the ribbing being executed under favor of the god *Imporcitor*, by adding two mould-boards to the plough, one on each side of the share.[1] Rich soil on sloping ground was ploughed three times only. The greatest care was taken not to plough ground that had been rendered miry by rain, nor that which, after a long drought, had been wetted by showers which had not penetrated beyond the surface.[2]

XVI. The plough was almost invariably drawn by oxen. The lash was used very sparingly, and the young steer was never pricked by the goad (*stimulus*), since it was apt to render him restive and unmanageable. The ploughman (*bubulcus*) was required to make perfectly straight and uniform furrows. The normal length of a furrow was one hundred and twenty feet, and this is the original import of the word *actus*.

(B.) MANURING (STERCORATIO).

XVII. The manure (*stercus*, *fimus*) chiefly employed was the dung of birds and of the ordinary domestic animals. This differed considerably in quality, according to the source from which it was procured. That derived from pigeon-houses (*columbariis*), from aviaries where thrushes were fattened, and from birds in general, except water-fowl, was considered as the hottest and most powerful, and always placed apart, being sown by the hand exactly as we deal with guano at the present day. The ancient writers very emphatically point out the necessity of procuring large supplies of manure, which the Romans regarded as under the especial patronage of a god named *Stercutius*.

XVIII. The system of manuring by penning and feeding sheep upon a limited space of ground was neither unknown nor neglected, as we perceive from the precepts of Cato, Varro, and Pliny, all of whom recommend the practice. The ashes obtained by burning weeds, bushes, prunings, or any sort of superfluous wood, were found to have an excellent effect,[3] and sometimes, as we know from Virgil,[4] it was deemed profitable to set fire to the stubble standing in the fields.[5] Caustic lime was employed as a fertilizer by some of the tribes of Transalpine Gaul in the time of Pliny, but in Italy its application seems to have been very limited, and to have been confined to vines, olives, and cherry-trees.[6] Marl also (*margæ*) of different kinds was known to the Greeks, was applied by the Megarenses to wet, cold lands, and was extensively employed in

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[1] *Varr.*, i., 29; *Pallad.*, i., 43. [2] *Col.*, ii., 4; *Pallad.*, ii., 3.
[3] *Virg.*, *Georg.*, i., 81; *Col.*, ii., 15; *Plin.*, *H. N.*, xvii., 9; *Geopon.*, xii., 4.
[4] *Georg.*, i., 84. [5] *Plin.*, *H. N.*, xviii., 30.
[6] *Cat.*, *R. R.*, 38; *Pallad.*, i., 6; *Plin.*, *H. N.*, xvii., 9.

Gaul and Britain, but, not being found in Italy, did not enter into the agricultural arrangements of the Latins. When ordinary manures could not be procured in sufficient quantity, a scheme was resorted to which is still adopted with considerable success in many parts of Italy, and in the sandy tracts of Southern France. The field was sown about the middle of September with beans or lupines, which were ploughed into the ground the following spring, in all cases before the pod was fully formed. On the other hand, corn in general, poppies, fenugreek, and all crops pulled up by the roots, such as cicer and flax, were supposed to exhaust the soil, which then required either repose or manure to restore its powers.[1]

(C.) SOWING (SATIO).

XIX. Sowing may be considered under three heads: 1. The time of sowing; 2. The manner of sowing; 3. The choice, preparation, and quantity of the seed.

The seed-time (*sementis*) commenced at the autumnal equinox, and ended fifteen days before the winter solstice. Few, however, began before the setting of the Pleiades (11th November), unless on cold, wet ground, or in those localities where bad weather set in soon. Spring-sowing was practiced only in very deep, stiff land, which would admit of being cropped for several years in succession, or where, from peculiar circumstances connected with the situation or climate, such as the great inclemency of the winters, it was impossible for the farmer to sow in autumn.

As regards the manner of sowing, we can infer, from incidental notices in agricultural writers, that the seed was committed to the ground in at least three different modes. *First*, the seed was cast upon a flat surface finely pulverized by the plough and harrow, and then covered up by ribbing the land.[2] *Secondly*, the land was ribbed, the seed was then dropped upon the tops of the *liræ* or elevated ridges, according to the modern fashion for turnips.[3] *Thirdly*, the land was ribbed, as in the former case, but the seed was cast into the depression of the furrow, and might be covered up either by the harrow, or by ploughing down the middle of the *lira*. The second mode was practiced on wet lands, the third one on dry lands.[4]

The points chiefly attended to in the choice of seed-corn were, that it should be perfectly fresh, and free from mixture or adulteration, and of a uniform reddish color throughout its substance. When the crop was reaped, the largest and finest ears were selected by the hand,[5] or, where the produce was so great as to render this impos-

[1] *Cat.*, 37; *Varr.*, i., 23; *Col.*, ii., 13, *seqq.*; *Pallad.*, i., 6, &c. [2] *Varr.*, i., 29.
[3] *Col.*, ii., 4, 8. [4] *Id.*, ii., 4, 11. [5] *Virg.*, *Georg.*, i., 199.

sible, the heaviest grains were separated by a sieve, and reserved. In addition to these precautions, it was not unusual to medicate seeds of all sorts by sprinkling them with an alkaline liquor (*nitrum*,[1] i. e., probably carbonate of soda), or with the watery part of olives that flows out on pressing (*amurca*[2]), or by steeping them in various preparations, of which several are enumerated by Columella and Pliny; the object being twofold, in the first place, to increase the quantity and quality of the produce, and in the second place, to protect it from the ravages of vermin, especially the *curculio* or weevil. The quantity of seed varied according to the soil, situation, season, and weather, the general rule being that less was required for rich and finely-pulverized, or light and sharp, or thin, poor soil, than for such as was stiff and heavy, or moderately tenacious.

(D.) HARROWING (OCCATIO).

XX. Harrowing might be performed at two different periods; after the first or second ploughing, in order to powder the soil completely, and after sowing, in order to cover up the seed. When the land was encumbered with roots and deep-seated weeds, a grubber (*irpex*[3]), formed of a strong plank set with spikes, was employed; but in ordinary cases, wicker hurdles (*vimineæ crates*), sometimes fitted with teeth, were dragged over the ground; or the clods were broken with hand-rakes (*rastra*).

(E.) HOEING (SARRITIO).

XXI. The next care after covering up the seed was to loosen the earth around the roots of the young blades, in order that air and moisture might gain free access, and enable them to send forth more vigorous shoots and fibres. This process was called *sarritio* or *sarculatio*, and was carried on by hand with an instrument called *sarculum*, resembling the modern hoe. Corn was usually hoed twice, for the first time in winter, as soon as it fairly covered the ground, provided there was no frost, and for the second time in spring, before the stalk became jointed, great care being taken at all times not to injure the root. Columella recommends *sarritio* for almost all crops except lupines.

(F.) WEEDING (RUNCATIO).

XXII. Hoeing was followed by weeding, which in the case of grain crops took place immediately before they began to blossom, or immediately after the flower had passed away. The weeds were either pulled up by the roots or cut over with a bill-hook, which Palladius

[1] *Virg., Georg.*, i., 194. [2] *Id. ib.* [3] *Cat., R. R.*, 10; *Varr., L. L.*, iv., 31.

terms *runco*. But after the farmer had labored with unremitting zeal in clearing and pulverizing the soil, in selecting and medicating the seed, and in extirpating the common noxious weeds, the safety of the crop was threatened by a vast number of assailants, such as worms of various kinds, caterpillars, spiders, snails, mice, moles, &c. But the foe dreaded above all others was a peculiar blight or mildew termed *robigo*, which wrought such havoc in damp, low-lying situations, that it was regarded as a manifestation of wrath on the part of a malignant spirit, whose favor the rustic sought to propitiate by the annual festival of the *Robigalia*.

(G.) REAPING (MESSIO).

XXIII. The corn was reaped as soon as it had acquired a uniform yellow tint, without waiting until it had become dead ripe, in order to avoid the loss sustained by shaking, and by the ravages of animals. Varro describes three distinct methods of reaping:[1] 1. That followed in Umbria, where the stalk was shorn close to the ground with a hook (*falx*). Each handful was laid down, and when a number of these had accumulated, the ears were cut off, thrown into baskets, and sent to the threshing-floor, the straw being left on the field, and afterward gathered into a heap. 2. That followed in Picenum, where they used a small iron saw, fixed to the extremity of a crooked wooden handle: with this they laid hold of a bundle of ears, which were cut off, the straw being left standing to be mown subsequently. 3. That followed in the vicinity of Rome and most other places, where the stalks were grasped in the left hand, and cut at half their height from the ground, the whole of the portion detached being conveyed in baskets to the threshing-floor, and the part left standing being cut afterward.

(H.) THRESHING (TRITURA).

XXIV. After the crop had been properly dried and hardened by exposure to the sun, it was conveyed to the threshing-floor. This was an open space, on some elevated spot, over which the wind had free course, of a circular form, slightly raised in the centre to allow moisture to run off. The earth was compressed by heavy rollers,[2] pounded with rammers, and reduced to a solid consistency with clay and chaff, so as to present an even unyielding surface; or, better still, paved with hard stones. Here the corn was spread out and beaten with flails; or, more commonly, except when the ears alone had been brought from the field, trodden out by the feet of a number of men, or horses, who were driven backward and forward within

[1] *Varr., R. R.*, i., 50. [2] *Virg., Georg.*, i., 178, *seqq.*

the ring. To produce the effect more easily and more perfectly, the cattle were frequently yoked to a machine consisting of a board made rough by attaching to it stones or pieces of iron, and loaded with some heavy weight. Attached to the threshing-floor was a huge shed or half-inclosed barn (*nubilarium*), of sufficient dimensions to contain the whole crop. Here the corn was dried in unfavorable seasons before being threshed, and hither it was hurriedly conveyed for shelter when the harvest-work was interrupted by any sudden storm.[1]

(I.) WINNOWING (VENTILATIO).

XXV. When the grain was mixed with chaff, it was laid down in small piles upon the threshing-floor, in order that the lighter particles might be borne away by the passing breeze; but when the wind was not sufficiently strong, it became necessary to winnow (*ventilare*) it. This was effected by a laborer (*ventilator*), who tossed it up from a sieve (*vannus*) or shovel (*ventilabrum*), when the heavy portion fell down in a heap, and the chaff floated off through the air. When it was intended to keep the corn for any length of time, it was common to repeat the process, that it might be thoroughly cleaned.[2]

(K.) PRESERVATION OF CORN.

XXVI. After the corn had been threshed out and winnowed, or, at least, the ears separated from the stalk, the next care was to store up the grain in fitting repositories (*granaria*, *horrea*). The great object in view being to preserve it from becoming mouldy or rotten, and to protect it from the ravages of vermin, we find that very great diversity of opinion existed as to the means by which these ends might be best attained. By some the store-houses were built with brick walls of great thickness, for the purpose, it would seem, of securing a uniform temperature, and they had no window or aperture except a hole in the roof through which they were filled. Others, again, raised these structures aloft on wooden columns, and allowed currents of air to pass through on all sides and even from below; while others admitted peculiar winds only, namely, such as were of a drying character. Many plastered the walls with a sort of hard stucco worked up with *amurca*, which was believed to act as a safeguard against vermin, while others considered the use of lime under any circumstances as decidedly injurious.[3]

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[1] *Cat., R. R.*, 91, 129; *Varr.*, i., 13, 51, 52; *Colum.*, i., 6; ii., 19; *Pall.*, i., 36; viii., 1.
[2] *Varr.*, i., 52; *Colum.*, ii., 9, 20.
[3] *Cat., R. R.*, 92; *Varr.*, i., 57; *Colum.*, i., 6; *Pallad.*, i., 19; *Geopon.*, ii., 27, *seqq.*

March 15. 1852.

4. CROPS.

XXVII. Crops, as already remarked, may be divided into four classes: 1. Grain or corn crops; 2. Leguminous crops or pulse; 3. Crops cut green for forage; 4. Crops which supplied the raw material for the textile fabrics.

(A.) CORN CROPS.

XXVIII. The word employed in a general sense to denote what we now call "the cereal grasses" was *frumenta*; but of these, wheat being by far the most important, it is not wonderful that the term in question should be used frequently to denote wheat specially, and occasionally in such a manner as to exclude other kinds of grain. The only *frumenta* which it will be necessary for us to consider here will be (*a.*) *Triticum* and *Far*; (*b.*) *Hordeum*; (*c.*) *Panicum* and *Milium*.

(*a.*) *Triticum* and *Far*. There can be no doubt that *triticum* is the generic name for the grain which we denominate "wheat." Among many kinds of *triticum*, Columella enumerates the following only as deserving of particular notice,[1] namely, 1. *Robus*, possessing superior weight and brilliancy; 2. *Siligo*, very white, but deficient in weight;[2] 3. *Trimestre*, a sort of *siligo*, receiving its name from lying three months only in the ground, being spring-sown. These three, however, after all, do not appear to have been distinct species, but merely varieties of the same species. With regard to *far* it may be observed, that a careful examination of the numerous, vague, perplexing, and contradictory statements scattered over the classics tends to prove that *far* was a variety of the modern *triticum spelta*, and of the Greek ζέα, if not absolutely identical with one or both.

(*b.*) *Hordeum*. Next in importance to *triticum* was *hordeum*, or barley, which was a more appropriate food for the lower animals than wheat; was better for man when made into *polenta* than wheat of an indifferent quality, and furnished excellent straw. The species most generally cultivated appears to have been identical with what we now call *bear* or *bigg*. It was cut as soon as it was ripe, for the stalk, being brittle, was liable to be beaten down, and the grain, not being inclosed in an outer husk, was easily shaken.

(*c.*) *Panicum* and *Milium* are commonly spoken of together, as if they were only varieties of the same grain. The first, in all probability, is the *common millet* of botanists; the second, the *Italian millet*. They were sown in the spring,[3] toward the end of March.

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[1] *Colum.*, ii., 6. Compare *Dioscorid.*, ii., 107; *Theophr.*, *H. P.*, viii., 1, 4.
[2] *Colum.*, ii., 9, 13; *Plin.*, *H. N.*, xviii., 8.
[3] *Virg.*, *Georg.*, i., 216.

(B.) LEGUMINOUS CROPS.

XXIX. The vegetables falling properly under this head, chiefly cultivated by the ancients, were the following: (*a.*) *Faba*; (*b.*) *Lupinus*; (*c.*) *Lens*; (*d.*) *Cicer*; (*e.*) *Phaselus*; (*f.*) *Pisum*. We will consider each of these briefly.

(*a.*) *Faba*. The ancient *faba*, the κύαμος of the Greeks, was one of the varieties of our common field-bean. It required either rich and strong, or well-manured land. The harvest took place in Central Italy about the end of May, and hence the first of June was called *Calendæ Fabariæ*, because on that day new beans were used in sacred rites. Bean-meal (*lomentum*) was baked into bread or cakes, especially if mixed with the flour of wheat or millet. When made into porridge, it was accounted an acceptable offering to the gods, and termed *Refriva*.[1]

(*b.*) *Lupinus*. This term seems to include the common white, yellow, and rose lupines of our gardens. The first of these species was the one chiefly cultivated by the Romans, and is pronounced by Columella the most valuable of the legumina, because it demanded very little labor, was a sure crop, and instead of exhausting, actually refreshed and manured the land. Steeped in water, and afterward boiled, it formed an excellent food for oxen in winter, and might be used even for man during periods of scarcity.[2]

(*c.*) *Lens*. This was the modern lentile. It was sown twice a year, late in autumn and early in spring, on dry, light soil. It was recommended to mix the seed with dry manure, and after leaving it in this state for four or five days, then to scatter it.[3]

(*d.*) *Cicer*. The *Cicer arietinum* and the *Cicer Punicum* were varieties of our common chick-pea. They were sown in rich soil during the month of March. The crop, however, was considered injurious to the soil, and therefore avoided by the prudent husbandman.[4]

(*e.*) *Phaselus*. This was the common kidney-bean, and succeeded best in rich land regularly cropped. It was sown toward the end of October. The pods of the phaselus were sometimes eaten along with the seeds, according to a custom prevalent in some degree also at the present day.[5]

(*f.*) *Pisum*. This was the common field-pea, and succeeded best

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[1] *Cat.*, *R. R.*, 35; *Varr.*, i., 44; *Colum.*, ii., 10, 12; *Pallad.*, ii., 9; vii., 3.
[2] *Cat.*, *l. c.*; *Colum.*, *l. c.*; *Plin.*, *H. N.*, xviii., 14.
[3] *Virg.*, *Georg.*, i., 228; *Plin.*, *H. N.*, xviii., 12, 31; *Pallad.*, xii., 11.
[4] *Colum.*, ii., 10, 12; *Plin.*, *H. N.*, xviii., 12; *Geopon.*, ii., 36.
[5] *Virg.*, *Georg.*, i., 227; *Colum.*, ii., 10; xi., 2; *Plin.*, *H. N.*, xviii., 12.

in a loose soil, a warm situation, and a moist climate. It was sown immediately after the autumnal equinox.[1]

(C.) GREEN FORAGE CROPS.

XXX. This head includes all those crops which were cut green, and employed exclusively as forage for the lower animals, such as the *Medica*, *Fœnum Græcum*, *Ervum*, *Fœnum*, &c. The most important of all the plants cultivated for stock was the *Medica*, the modern lucerne, which derived its ancient name from the circumstance of its having been introduced into Greece during the Persian wars. When once properly sown, it would last for many years, might be cut repeatedly during the same season, renovated rather than exhausted the soil, was the best fattener of lean cattle, the best restorative for those that were sick, and so nourishing that a single *juger* supplied sufficient food for three horses during a whole year. Hence the greatest care was bestowed upon its culture.[2]

XXXI. So much importance was attached to stock, that many considered a good meadow as the most valuable species of land, requiring little trouble or outlay, subject to none of the casualties to which other crops were exposed, affording a sure return every year, and that twofold, in the shape of hay and pasture. The meadows were of two kinds, the dry meadow, and the irrigated or water-meadow. The hay produced from a meadow whose own rich natural moisture did not require an artificial stimulus was the best.

(D.) CROPS AFFORDING MATERIALS FOR TEXTILE FABRICS.

XXXII. Of these the most important were *Cannabis* and *Linum*, or hemp and flax. *Cannabis*, the common hemp of botanists, required rich, moist, well-watered, deeply-trenched, and highly-manured land. Six grains were sown in every square foot of ground during the last week in February, but the operation might be delayed for a fortnight if the weather were rainy.[3] *Linum*, the common flax of botanists, was regarded as a very exhausting crop, and was altogether avoided unless the soil happened to be peculiarly suitable, or the price which it bore in the district very inviting. It was sown from the beginning of October until the end of the first week in December.[4]

March 16. 1852

5. FRUIT-TREES.

XXXIII. To this head belong particularly the *Vine*, the *Olive*,

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[1] *Colum.*, ii., 10, 13; *Plin.*, *H. N.*, xviii., 12.
[2] *Varr.*, i., 42; *Colum.*, ii., 10, 28; *Virg.*, *Georg.*, i., 125; *Pallad.*, iii., 6; v., 1.
[3] *Varr.*, i., 23; *Colum.*, ii., 10, 12; *Plin.*, *H. N.*, xix., 9.
[4] *Virg.*, *Georg.*, i., 212; *Colum.*, ii., 10, 14; *Plin.*, *H. N.*, xvii., 9.

and the *Fig*, the two former of which we will alone consider here.

(A.) VITIS, OR THE VINE.

XXXIV. The culture of the vine was an object of diligent attention with the ancient writers on husbandry, and the directions which they give for the training and management of the plant, in almost every possible situation, are very ample. That their views were occasionally erroneous may be readily imagined, but, considering the state of the physical sciences at the period when they wrote, they must be allowed to have a very full knowledge of the subject.

XXXV. Being aware how much the health of the vine and the qualities of the grape are liable to be affected by different soils and exposures, the ancients were at great pains in choosing a proper situation for their vineyards. They condemned those lands which were composed of stiff, unctuous clay, and subject to much humidity, selecting such as were not too thin, but light, and sufficiently porous to admit the requisite moisture, and allow of the free expansion of the roots. A chalky or marly loam, and a due admixture of mould with gravel or loose pebbles, were deemed favorable; but the preference appears to have been given to the black, crumbling soil of the Campagna, which consists of decomposed *tufa*, and which, from its color, received the name of *pulla*.

XXXVI. Various modes of planting and training the vine were in use among the Romans. It was propagated either by cuttings (*malleoli*), by layers (*mergi*), or by grafts, which were all selected from the best fruit-bearing branches. A favorite way of disposing of the plants was in the form of a quincunx, with sufficient space between the rows to plough the ground in diagonal furrows. The ancients, remarking the tendency of the vine to shoot aloft, and distribute its branches to a great distance from the roots, became impressed with the notion that the most beneficial mode of training was to favor this natural disposition by attaching it to lofty trees, and they conceived that the grapes thus grown were most likely to attain a full and equal maturity. The trees selected for the purpose were those which have single or contracted roots, such as the white poplar, or of which the foliage is not too much tufted, such as the elm, the black poplar, the ash, or the maple; but the elm was chiefly employed, because, in addition to its other recommendations, it is of easy growth, and the leaves furnish a grateful food for cattle. Trees thus appropriated were called *arbusta*. Wine obtained from grapes so raised was, according to the ancients, improved in quality, and was sweeter and more lasting than any other kind.

XXXVII. When the season of the vintage (*vindemia*) had arrived, the grapes were gathered in baskets (*corbes*, *fiscinæ*), and conveyed to an apartment or shed called *Calcatorium* or *Torcularium*, where they were thrown into a large receptacle which formed part of the wine-press (*prelum*, *torcular*), and beneath this was a cistern (*lacus torcularius*). The juice which drained from the clusters in consequence of their bearing upon each other, called *protropum*,[1] was collected and set apart; the grapes were then gently trodden by the naked feet (*calcare*[2]), and the juice thus obtained, called *mustum lixivium*,[3] was also set apart. The grapes were now fully trodden, and the force of the press being moderately applied, they yielded nearly the whole of their juice, which was called *mustum pressum*, or more frequently simply *mustum*. Lastly, water was thrown among the stalks and husks, and the full power of the press called into action, the liquid thus obtained being called *mustum tortivum*.[4] These four products were kept separate from each other. The first two were usually preserved in their sweet state; the third was fermented for wine; the fourth was also fermented, and the result was a thin acid beverage known as *lora*.[5]

XXXVIII. The process of fermentation was allowed to commence in the lacus; the liquor was then conveyed to the *cella vinaria*, a cool apartment, the floor of which was usually sunk below the surface of the ground, and here it was poured into large earthenware vats (*dolia*, *cupæ*, *seriæ*), carefully coated in their interior with pitch, and in these the fermentation was completed. The inferior qualities, intended for immediate consumption, underwent no farther preparation, but the contents were drawn off as required, and hence the expressions *vinum doliare* or *vinum de cupa*, i. e., "*Draught-wine*."[6] The more choice and full-bodied kinds were mixed with a number of substances, which were believed to heighten their flavor and to make them keep better. Such were sweet grape-juice (*mustum*) boiled down to a sort of jelly, decoctions of various spices, drugs, and aromatic herbs, to which were frequently added pitch, rosin, turpentine, and sea-water. The mixture was then racked off[7] from the *dolium* into jars called *amphoræ*, *cadi*, or *lagenæ*, the forms of which may be seen from the following wood-cut.

XXXIX. These *amphoræ* had stamped or painted on them the names of the consuls for the current year,[8] thus marking the date of the vintage. Then the mouths of the vessels were carefully closed with plugs of wood or cork (*cortex*) plastered over with pitch, clay,

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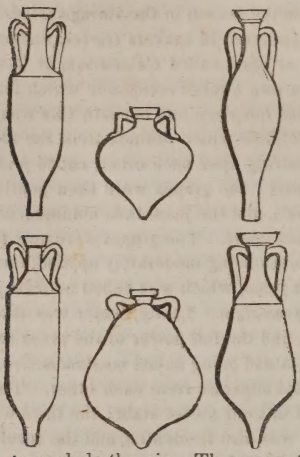
[1] *Plin.*, *H. N.*, xiv., 9. [2] *Juv.*, v., 31. [3] *Colum.*, xii., 41.
[4] *Colum.*, xii., 36. [5] *Plin.*, *H. N.*, xiv., 10. [6] *Dig.*, xviii., 6, 1; *Cic. in Pis.*, 27.
[7] *Juv.*, v., 30; *Ovid*, *Fast.*, v., 517. [8] *Juv.*, v., 33.



or gypsum, so as to exclude the air. They were then conveyed to a repository (*apotheca*, *horreum*) in the upper part of the dwelling-house, frequently constructed so as to communicate directly with the chimneys, the heat and smoke being supposed to accelerate the ripening of the wine, and in this case the apartment was called *Fumarium*.

XL. *Mustum* was preserved from fermentation by boiling, and was distinguished by different names according to the degree of inspissation. When boiled down to two thirds of its original bulk, it became *Carenum*; to one half, *Defrutum*; to one third, *Sapa*; and these jellies were used for a great number of domestic purposes. The ripe grapes, instead of being conveyed at once to the press, were in some cases exposed to the rays of the sun until partially dried, and from these, sweet wines, called *Vinum Diachytum* and *Vinum Passum*, were manufactured.

(B.) OLEA (THE OLIVE).

XLI. The importance of the olive was recognized from the most remote period of antiquity, in all civilized countries where the temperature admitted of its cultivation; and it was widely adopted as an emblem of industry and peace. While it yields a large supply of palatable and highly-nutritious food, it requires less outlay and less attention than almost any other fruit-tree, is subject to few casualties, and, even if altogether neglected, does not suffer serious injury, but may be quickly restored to fertility by moderate care.

Hence the honor paid to it at Athens, and hence the title of "*prima omnium arborum*" bestowed upon it by Columella.[1]

XLII. The *Olea Europea* is the only species of the natural family of the *Oleaceæ* which yields the highly-valued olive oil, but many varieties are produced by different modes of culture, and by peculiarities of soil and climate. Columella enumerates ten, and this number may be considerably increased from the works of other ancient writers.[2]

XLIII. The soil considered most congenial was a rich tenacious clay, or a mixture of clay and sand, a gravelly subsoil being essential in either case to carry off the water. The olive is very impatient of frost, and scarcely any of the varieties known to the ancients would flourish in very hot or very cold situations. In hot localities, it was expedient to form the plantation on the side of a hill facing the north, in cold localities upon a southern slope. Under ordinary circumstances, a western exposure, lying well open to the sun, was preferred. It is asserted by several classical authors that the olive will not live, or, at least, not prove fruitful at a distance from the sea-coast greater than from thirty to fifty miles, and although exceptions did and do exist to this rule, it will be found to accord with general experience.[3]

XLIV. The propagation of the olive was effected in various ways: 1. The method generally adopted was to take long, young, and healthy branches of the most productive trees, to saw these into lengths of a foot and a half each, called *taleæ* or *trunci*, to taper these to a point at each end with a knife, smear the two extremities with dung and ashes, and then bury them upright in the ground, so that the tops were a few fingers' breadth below the surface, each *talea* or *truncus* being placed as nearly as possible in the same position, both vertically and laterally, as the branch had occupied upon the tree. The young trees thus produced were transplanted in their fifth year. 2. A second mode of propagation was to cut the roots of wild olives into small pieces in such a manner that each should contain an eye or rudiment of a lateral fibre, and these pieces were treated in precisely the same manner as the *taleæ* mentioned above. 3. A third method is still pursued in some parts of Italy: an old tree is hewn down, and the stock cut into pieces of nearly the size and shape of a mushroom, and which, from that circumstance, are called *novoli*, care, at the same time, being taken that a small portion of bark shall belong to each *novolo*. These, after having been dipped in manure-

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[1] *Colum.*, v., 8; *de Arb.*, 17.

[2] *Cato, R. R.*, 7; *Varr., R. R.*, 7; *Colum., l. c.*; *Plin., H. N.*, xv., 6.

[3] *Cato, l. c.*; *Varr., R. R.*, i., 24; *Colum., l. c.*; *Plin., H. N.*, xvii., 3; *Pallad.*, iii., 18.

are put into the earth, soon throw up shoots, are transplanted at the end of one year, and in three years are fit to form an olive-yard. Grafting or budding was also resorted to for the purpose of introducing fine varieties, or of rendering barren trees fruitful.[1]

XLV. The olive usually comes to maturity, in Italy, about the middle or latter end of December; but, according to the views of the proprietors, it was gathered in various stages of its progress, either while yet green (*alba*), or when changing color (*varia*), or when fully ripe (*nigra*); but it was considered highly desirable that it should never be allowed to remain so long as to fall of its own accord.

XLVI. The fruit (*bacca*) of the olive was for the most part employed for one of two purposes: 1. It was eaten as a fruit, either fresh, pickled, or preserved in various ways. 2. It was pressed so as to yield the oil and other juices which it contained. And, again, the oil was employed for a variety of purposes, but chiefly as an article of food, and for anointing the body, in which latter case it was frequently made a basis of perfumes (*unguenta*).

XLVII. The fruit of the olive-tree consists of two parts, the pulpy pericarp (*caro*) and the stone (*nucleus*). The *caro* or pulp yielded two fluids; one of these, of a watery consistence, dark in color, bitter to the taste, flowed from the olive upon very slight pressure. It was called ἀμόργη by the Greeks, *amurca* by the Latins, and was extensively used as a manure, and for a great number of purposes connected with domestic economy. The other fluid, which flowed from the pulp when subjected to more forcible pressure, was the oil (*oleum*), mingled, however, to a certain extent, with *amurca* and other impurities. The finest oil was made from the fruit before it was fully ripe, and from this circumstance, or from its greenish color, it was termed *oleum viride*.

6. GARDEN STUFFS.

XLVIII. The minute details connected with gardening are of little or no service in illustrating the classics generally. What we have already said, therefore, on this head must suffice.

PASTIO.

XLIX. The second great department of our subject is *Pastio*, or the art of providing and feeding stock so as to yield the most ample profit. *Pastio* may be considered under the twofold forms of, 1. *Pastio Agrestis* or *Res Pecuaria*; and, 2. *Pastio Villatica*. The for-

1 *Virg.*, *Georg.*, ii., 30; *Cat.*, *R. R.*, 40, *seqq.*; *Varr.*, *R. R.*, i., 40; *Colum.*, v., 9; *Plin.*, *H. N.*, xviii., 19; *Geopon.*, ix., 5, 6; *Blunt's Vestiges of Ancient Manners, &c., in Italy*, p. 215.

mer comprehends the management of cattle, sheep, horses, &c.; the latter of poultry, game, fish, bees, &c. Our limits, however, forbid entering into any detail on these various heads.

St. Patrick's Day. 1852.

CHAPTER XLI.

ROMAN CALENDAR.

1. THE YEAR.

I. THE old Roman, frequently called the Romulian year, consisted of only ten months, which were called Martius, Aprilis, Maius, Junius, Quinctilis, Sextilis, September, October, November, December. That March was the first month in the year is implied in the last six names. Besides this, many sacred rites and ancient customs long retained, point to the same conclusion. On the first of March the holy fire was renewed on the altar of Vesta; at the commencement of the month the old laurels were taken down from the *Regia*, from the houses of the flamines, and from the different *Curiæ*, and replaced by fresh branches; sacrifices were offered to *Anna Perenna*, the goddess of the circling year; the salaries of instructors were paid; the taxes were farmed out; and matrons gave an entertainment to the slaves, as the masters of families did on the Saturnalia, the object of the latter being to reward the domestics for their industry during the year that was past, of the former to stimulate their exertions for the future.[1]

II. Of these ten months, four, namely, Martius, Maius, Quinctilis, and October, consisted of thirty-one days, the other six of thirty. The four former were distinguished in the latest form of the Roman calendar by having their nones two days later than any of the other months. The symmetry of this arrangement will appear by placing the numbers in succession: 31, 30; 31, 30; 31, 30, 30; 31, 30, 30.

III. The Romulian year, therefore, consisted of three hundred and four days, and contained thirty-eight *nundinæ* or weeks; every eighth day, under the name of *nonæ* or *nundinæ*, being especially devoted to religious and other public purposes. Hence we find that the number of *dies fasti* afterward retained in the Julian calendar tally exactly with these thirty-eight nundines; besides which it may be observed that a year of three hundred and four days bears to a solar year of three hundred and sixty-five days nearly the ratio of five to six, six of the Romulian years containing one thousand eight hundred and twenty-four, five of the solar years one thousand eight hundred and twenty-five days; and hence we may explain the origin of

[1] *Macrob.*, *Sat.*, i., 12; *Ov.*, *Fast.*, iii., 135, *seqq.*; *Plutarch*, *Q. R.*, 19.

the well-known quinquennial period called the *lustrum*, which ancient writers expressly call an *annus magnus*; that is, in the modern language of chronology, a cycle. It was, consequently, the period at which the Romulian and solar years coincided.

IV. The next division of the Roman year was said to have been made by Numa Pompilius, who instituted a lunar year of twelve months and three hundred and fifty-five days. Livy says that Numa so regulated his lunar year of twelve months, by the insertion of intercalary months, that at the end of every nineteenth year (*vicesimo anno*) it again coincided with the same point in the sun's course from which it started.[1] It is well known that nineteen years constitute a most convenient cycle for the junction of a lunar and solar year. It seems certain that the Romans continued to use a lunar year for some time after the establishment of the republic, and it was probably at the time of the decemviral legislation that the lunar year was abandoned. By the change which was then made the year consisted of twelve months, the length of each of which was as follows:

Martius	31 days.	September	29 days.
Aprilis	29 "	October	31 "
Maius	31 "	November	29 "
Junius	29 "	December	29 "
Quinctilis	31 "	Januarius	29 "
Sextilis	29 "	Februarius	28 "

The year thus consisted of three hundred and fifty-five days, and this was made to correspond with the solar year by the insertion of an intercalary month called *Mercedonius* or *Mercidonius*.[2] This month of twenty-two or twenty-three days seems to have been inserted in alternate years.

V. As the festivals of the Romans were for the most part dependent upon the calendar, the regulation of the latter was intrusted to the college of Pontifices, who in early times were chosen exclusively from the body of the patricians. It was, therefore, in the power of the college to add to their other means of oppressing the plebeians by keeping to themselves the knowledge of the days on which justice could be administered, and assemblies of the people could be held. In the year 304 B.C., one Cn. Flavius, a secretary (*scriba*) of Appius Claudius, is said fraudulently to have made the *Fasti* public.[3] The other privilege of regulating the year by the insertion of the intercalary month gave the pontiffs great political power, which they were not backward to employ. Every thing connected with the matter of intercalation was left to their unrestrained pleasure; and

[1] *Liv.*, i., 19. [2] *Plut.*, *Num.*, 19; *Cæs.*, 59.
[3] *Liv.*, xi., 46; *Cic. pro Muræn.*, c. 11; *Plin.*, *H. N.*, xxxiii., 1.

the majority of them, on personal grounds, added to or took from the year by capricious intercalations, so as to lengthen or shorten the period during which a magistrate remained in office, and seriously to benefit or injure the farmer of the public revenue.

VI. The calendar was thus involved in complete confusion, and accordingly we find that in the time of Cicero the year was three months in advance of the real solar year. At length, in the year B.C. 46, Cæsar, now master of the Roman world, employed his authority as pontifex maximus in the correction of this serious evil. Being himself versed in astronomy, he, with the aid of Sosigenes, a peripatetic philosopher of Alexandrea, and Flavius, a Roman scribe, introduced that division of time which, with a few modifications, is still employed by all Christian nations, and received from its author the name of the *Julian year*.

VII. The following account of the way in which Cæsar effected this change is given by Censorinus: "The confusion was at last carried so far, that C. Cæsar, the *pontifex maximus*, in his third consulate, with Lepidus for his colleague, inserted between November and December two intercalary months of sixty-seven days, the month of February having already received an intercalation of twenty-three days, and thus made the whole year to consist of four hundred and forty-five days. At the same time, he provided against a repetition of similar errors by casting aside the intercalary, and adapting the year to the sun's course. Accordingly, to the three hundred and fifty-five days of the previously existing year he added ten days, which he so distributed between the seven months having twenty-nine days, that January, Sextilis, and December received two each, the others but one; and these additional days he placed at the end of the several months, no doubt with the wish not to remove the various festivals from those positions in the several months which they had so long occupied. Hence, in the present calendar, although there are seven months of thirty-one days, yet the four months which from the first possessed that number are still distinguished by having their nones on the seventh, the rest having them on the fifth day of the month. Lastly, in consideration of the quarter of a day, which he regarded as completing the true year, he established the rule that at the end of every four years a single day should be intercalated where the month had been hitherto inserted, that is, immediately after the *Terminalia*, which day is now called the *bissextum*."[1]

VIII. The names of two of the months were changed in honor of Julius Cæsar and Augustus. *Julius* was substituted for *Quinctilis*,

[1] *Censorinus*, 20.

the month in which Cæsar was born, in the second Julian year, that is, the year of the dictator's death, for the first Julian year was the first year of the *corrected* Julian calendar, that is, B.C. 45. The name *Augustus* in place of *Sextilis* was introduced by the emperor himself in B.C. 27. The month of September, in like manner, received the name of *Germanicus* from the Roman commander so called, and the appellation seems to have existed even in the time of Macrobius. Domitian, too, conferred his name upon October; but the old word was restored upon the death of the tyrant.

IX. The Julian calendar supposes the mean tropical year to be three hundred and sixty-five days six hours; but this exceeds the real amount by 11′ 12″, the accumulation of which, year after year, caused at last considerable inconvenience. Accordingly, in the year 1582, Pope Gregory XIII. again reformed the calendar. The ten days by which the year had been unduly retarded were struck out by a regulation that the day after the fourth of October in that year should be called the fifteenth; and it was ordered, that whereas hitherto an intercalary day had been inserted every four years, for the future three such intercalations in the course of four hundred years should be omitted, namely, in those years which are divisible without remainder by 100, but not by 400. Accordingly, the years 1700, 1800, 1900, were to receive no intercalation. The bull which effected this change was issued February 24, 1582. The Protestant parts of Europe resisted what they called a papistical invention for more than a century. In England the Gregorian calendar was first adopted in 1752. In Russia, and those countries which belonged to the Greek Church, the Julian year, or *old style*, as it is called, still prevails.

2. DIVISIONS OF THE MONTH.

X. The Romans divided their months into three parts each, by *Calends*, *Nones*, and *Ides*. The first day of the month was called *Calendæ* (*a calando vel vocando*), from a priest's calling out to the people that it was new moon; the fifth day, *Nonæ*, or the *Nones*, from *nonus*, ninth, because counting inclusively there were nine days between them and the next division of the month, or the *Ides*; and the thirteenth, *Idus* or the *Ides*, from the obsolete verb *iduare*, to divide, because the ides nearly divided the month.

XI. In March, May, July, and October, however, the nones fell on the seventh, and the ides on the fifteenth. The first day of the intercalary month was called *Calendæ intercalares*;[1] of the former of those inserted by Cæsar, *Calendæ intercalares priores*.[2]

XII. The ancient Romans did not divide their time into weeks as

[1] *Cic., Quint.*, 25. [2] *Id., Fam.*, vi., 14.

we do. The country people came to Rome every ninth day, whence these days were called *Nundinæ* (quasi *Novendinæ*), having seven intermediate days for working. The custom of dividing time into weeks (*hebdomādes*) was introduced under the emperors. Dion Cassius, who flourished under Severus, says it first took place a little before his time, being derived from the Egyptians, and at length universally prevailed.[1] The days of the week were named from the planets, thus: *Dies Solis*, Sunday; *Lunæ*, Monday; *Martis*, Tuesday; *Mercurii*, Wednesday; *Jovis*, Thursday; *Veneris*, Friday; *Saturni*, Saturday.

XIII. As regards the order in which the days of the week are now arranged, the following explanation, as given by Dion Cassius, may not be amiss.[2] The Ptolemaic arrangement of the heavenly bodies, according to their distances from the earth, is in this order: *Saturn*, *Jupiter*, *Mars*, the *Sun*, *Venus*, *Mercury*, and the *Moon* (Saturn being the most distant), and it was a principle of the ancient astrology that these planets presided in this succession over the hours of the day. Upon this notion, if the first hour be assigned to Saturn, it will be found that the twenty-fifth (or first hour of the second day) will fall to the Sun; the forty-ninth (or first hour of the third day) to the Moon; the seventy-third (or first hour of the fourth day) to Mars; the ninety-seventh (or first hour of the fifth day) to Mercury; the one hundred and twenty-first (or first hour of the sixth day) to Jupiter; and the one hundred and forty-fifth (or first hour of the seventh day) to Venus.

XIV. The Roman mode of dating was as follows: When an event did not happen on the Calends, Nones, or Ides of any month, they calculated the day by reckoning backward from the next division of the month. Thus, if it happened between the Calends and the Nones, it was said to take place so many days before the Nones; if it happened between the Nones and the Ides, they dated it so many days before the Ides; if it happened after the Ides, it was said to take place so many days before the Calends of the ensuing month.

XV. In the second place, in making these computations, the day *from* which they reckoned was always included, as well as the day *to* which they reckoned. Thus the 3d of January was called the third day before the Nones of January; the 10th of March the sixth day before the Ides of March; the 14th of June the eighteenth day before the Calends of July. We observe an analogy to this practice in the Scotch phrase "this day eight days;" the German "acht Tage," which alike denote a space of *seven* days; and the French "quinze jours," which stands for a fortnight.

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[1] *Dion Cass.*, xxxvii., 18. [2] *Id. ib.*, 19; *Penny Cyclop.*, xxvii., p. 189.

XVI. The form of expression was likewise remarkable. When an event took place on the Calends, Nones, or Ides, it was said to happen *Calendis—Nonis—Idibus Januariis, Februariis*, &c., or *Januarii, Februarii*, &c. (sc. *mensis*); when it took place on the day before one of these divisions, then it was said to happen *Pridie Calendas—Nonas—Idus Januarias, Februarias*, &c.; but in other cases the formula generally employed was *Ante diem tertium—quartum—quintum—sextum*, &c., *Calendas—Nonas—Idus Januarias, Februarias*, &c.

XVII. Thus the 31st of January was *Pridie Calendas Februarias*; the 6th of March, *Pridie Nonas Martias;* the 12th of April, *Pridie Idus Apriles;* the 27th of April, *Ante diem quintum Calendas Maias;* the 2d of May, *Ante diem sextum Nonas Maias;* the 6th of June, *Ante diem octavum Idus Junias;* the 15th of August, *Ante diem decimum octavum Calendas Septembres.* Sometimes, but less frequently, the preposition is omitted, and the numeral put in the ablative. Thus we find *Quarto Calendas Septembres* for the 29th of August; *Decimo sexto Calendas Novembres*, the 17th October; *Quinto Idus Decembres*, the 9th of December, and so on.

XVIII. In ancient monumental inscriptions and old MSS., the words *Ante diem* are very frequently indicated by initial letters only, A.D., and the number by the Roman numeral; thus, A.D. IV. Idus Octobres; A.D. VI. Calendas Decembres; A.D. III. Nonas Novembres; or farther abbreviated, A.D. IV. Id. Octob.; A.D. VI. Cal. Dec.; A.D. III. Non. Nov. The *Ante diem*, or its abbreviation, are often omitted altogether, and the numeral stands alone; thus, IV. Id. Octob.; VI. Cal. Dec.; III. Non. Nov.[1]

Scaliger and others have attempted, with no great success, to account for the origin of the expression *Ante diem tertium*, &c., instead of what would appear to be the more natural form *Diem tertium* (or *die tertio*) *ante.* However the phrase may have arisen, the combination *ante diem* appears practically to have been a formula, which was regarded as a single word, and hence we occasionally find another preposition prefixed to the *ante.* Thus, *Cic., Phil.*, iii., 8, In Ante Diem *quartum Calendas Decembres distulit*, i. e., "He put off (the meeting of the senate) to the 28th of November;" and, again, *Ep. ad Att.*, iii., 17, *De Quinto fratre nuntii nobis tristes nec varii venerant* ex Ante Diem *Non. Jun. usque ad Prid. Cal. Sept.* i. e., From the Nones of June until the day before the Calends of September. Nay, we even meet with *ante diem* introduced adverbially where no date is given, as in *Cæs., B. C.*, i., 11, Ante quem diem *iturus sit*, for *quo die;* and the Greek writers translate the phrase literally when computing time according to the Roman fashion. Thus Plutarch tells us that Rome was founded *ἡμέρᾳ τῇ πρὸ ἑνδεκα Καλανδῶν Μαΐων, i. e.*, 21st April.[2]

XIX. The day added every fourth year, as explained above, was

[1] *Ramsay, Rom. Ant.*, p. 363.

[2] *Plut., Vit. Rom.*, 12.

inserted in February, immediately after the festival of the Terminalia, which fell VII. *Cal. Mart.* (23d February). In such years, the 6th day before the Calends of March (VI. *Cal. Mart.*) was repeated twice, from which circumstance the day inserted was termed *Bissextum*, or *Dies Bissextus*, and the year itself *Annus Bissextus*. The adjective *Bissextilis*, from which comes the modern word *Bissextile*, is a barbarism. We find that the Roman lawyers decided that of the two days which were called VI. *Cal. Mart.*, the later one was, strictly speaking, to be considered in all contracts as the inserted day; but that since these two days were one in the eye of the law, any person born on the inserted day was, in ordinary years, to consider the VI. *Cal. Mart.* as his birth-day, while any person born on the VI. *Cal. Mart.* in an ordinary year was, in his *annus Bissextus*, to consider the former of the two days called VI. *Cal. Mart.* as his birth-day.

The following Calendar will give a full view of the arrangement of the Roman months, and the designation of each particular day:

Our days of the month.	March, May, July, October, have 31 days.	January, August, December, have 31 days.	April, June, September, November, have 30 days.	February has 28 days, but in Leap Year 29.
1	KALENDIS.	KALENDIS.	KALENDIS.	KALENDIS.
2	VI. } Ante Nonas.	IV. } Ante Nonas.	IV. } Ante Nonas.	IV. } Ante Nonas.
3	V.	III.	III.	III.
4	IV.	Pridie Nonas.	Pridie Nonas.	Pridie Nonas.
5	III.	NONIS.	NONIS.	NONIS.
6	Pridie Nonas.	VIII. } Ante Idus.	VIII. } Ante Idus.	VIII. } Ante Idus.
7	NONIS.	VII.	VII.	VII.
8	VIII. } Ante Idus.	VI.	VI.	VI.
9	VII.	V.	V.	V.
10	VI.	IV.	IV.	IV.
11	V.	III.	III.	III.
12	IV.	Pridie Idus.	Pridie Idus.	Pridie Idus.
13	III.	IDIBUS.	IDIBUS.	IDIBUS.
14	Pridie Idus.	XIX. } Ante Kalendas (of the month following).	XVIII. } Ante Kalendas (of the month following).	XVI. } Ante Kalendas Martias.
15	IDIBUS.	XVIII.	XVII.	XV.
16	XVII. } Ante Kalendas (of the month following).	XVII.	XVI.	XIV.
17	XVI.	XVI.	XV.	XIII.
18	XV.	XV.	XIV.	XII.
19	XIV.	XIV.	XIII.	XI.
20	XIII.	XIII.	XII.	X.
21	XII.	XII.	XI.	IX.
22	XI.	XI.	X.	VIII.
23	X.	X.	IX.	VII.
24	IX.	IX.	VIII.	VI.
25	VIII.	VIII.	VII.	V.
26	VII.	VII.	VI.	IV.
27	VI.	VI.	V.	III.
28	V.	V	IV.	Pridie Kalendas Martias.
29	IV.	IV.	III.	
30	III.	III.	Pridie Kalendas (of the month following).	
31	Pridie Kalendas (of the month following).	Pridie Kalendas (of the month following).		

March 18. 1839.

CHAPTER XLII.

ROMAN WEIGHTS AND MEASURES.

1. WEIGHTS.

I. THE unit of weight with the Romans was the As or LIBRA, which, according to the most accurate researches, was equal to about $11\frac{4}{5}$ oz. avoirdupois, or ·7375 of an avoirdupois pound.

II. The As was divided into 12 equal parts, called *Unciæ*, and the *Uncia* was divided into 24 equal parts, called *Scrupula*, the *Scrupulum* being thus $\frac{1}{288}$ part of the *As*. The following nomenclature was adopted to distinguish various multiples of the *As*, *Uncia*, and *Scrupulum*.

DIVISIONS OF THE AS.

As	= 12	UNCIÆ.
Deunx	= 11	"
Dextans	= 10	"
Dodrans	= 9	"
Bes or *Bessis*	= 8	"
Septunx	= 7	"
Semis or *Semissis*	= 6	"
Quincunx	= 5	"
Triens	= 4	"
Quadrans or *Teruncius*	= 3	"
Sextans	= 2	"
Sescunx or *Sescuncia*	= $1\frac{1}{2}$	"
Uncia	= 1	"

DIVISIONS OF THE UNCIA.

Semuncia	= $\frac{1}{2}$	UNCIA	= $\frac{1}{24}$	AS.
Duella	= $\frac{1}{3}$	"	= $\frac{1}{36}$	"
Sicilicus	= $\frac{1}{4}$	"	= $\frac{1}{48}$	"
Sextula	= $\frac{1}{6}$	"	= $\frac{1}{72}$	"
Semisextula	= $\frac{1}{12}$	"	= $\frac{1}{144}$	"
Scrupulum	= $\frac{1}{24}$	"	= $\frac{1}{288}$	"
Siliqua	= $\frac{1}{144}$	"	= $\frac{1}{1728}$	"

MULTIPLES OF THE AS.

Dupondius	= 2	ASSES.
Tripondius or *Tressis*	= 3	"

Octussis	=	8 Asses.
Decussis	=	10 "
Vicessis	=	20 "
Centussis	=	100 "

III. The *Drachma* and the *Obolus*, which were properly Greek weights, are occasionally employed by Roman writers:

The *Drachma* was reckoned as $= \frac{1}{8}$ of the *Uncia* $= \frac{1}{96}$ of the *As*
The *Obolus* " " $= \frac{1}{48}$ " " $= \frac{1}{576}$ "

IV. The term *As*, and the words which denote its divisions, were not confined to weight alone, but were applied to measures of length and capacity also, and in general to any object which could be regarded as consisting of 12 equal parts. Thus they were commonly used to denote the shares into which an inheritance was divided. When an individual inherited the whole property of another, he was designated as *Hæres ex asse;* if one half, *Hæres ex semisse;* if one third, *Hæres ex triente*, &c.

2. MEASURES OF LENGTH.

V. The unit of Lineal Measure was the *Pes* or *Foot*. According to the most accurate researches, the *Pes* was equal to about ·97 of an English foot.

VI. The *Pes* being supposed to represent the length of the foot in a well-proportioned man, various divisions and multiples of the *Pes* were named after standards derived from the human frame. Thus:

Pes	= 16 *Digiti*	i. e.	*Finger-breadths.*
"	= 4 *Palmi*	i. e.	*Hand-breadths.*
Sesquipes	= 1 *Cubitus*	i. e.	*Length from elbow to the extremity of the middle finger.*

VII. The *Pes* was also divided into 12 *Pollices* or thumb-joint-lengths, otherwise called *Unciæ* (whence our word *inch*). When the division of the *Pes* into *Unciæ* was adopted, then the different divisions of the *Pes*, from one *uncia* up to twelve, were designated by the names given in the preceding section for the divisions of the *As*, namely, the *Deunx*, *Dextans*, &c. The measures longer than the *Pes* in common use were,

Palmipes	= 1 *Pes* + 1 *Palmus*	= 20 *Digiti*	= 15 *Unciæ.*
Cubitus	= 1 *Sesquipes*	= 24 *Digiti*	= 18 "
Gradus	= $2\frac{1}{2}$ *Pedes*	= 40 *Digiti.*	
Passus	= 5 *Pedes*	= 2 *Gradus.*	

Decempeda or *Pertica*	= 10 *Pedes*	=	2 *Passus.*
Actus	= 120 *Pedes*	=	12 *Decempedæ.*
Mille Passuum	= 5000 *Pedes*	=	1000 *Passus.*

VIII. There was also a *Palmus major*=3 *Palmi*=12 *Digiti*=9 *Pollices* or *Unciæ.* It appears from this that since

The *English statute mile*=1760 *yards* .....=5280 *English feet.*
The *Roman mile* .....=5000 *Roman feet*=4850 *English feet.*

Therefore the Roman mile is shorter than the English mile by four hundred and thirty English feet, or one hundred and forty-four yards nearly.

IX. *Ulna*, the Greek ὠλένη, from which the English word *Ell* is derived, varied in signification when used to indicate a measure. Sometimes it represents the distance from the shoulder to the wrist; sometimes from the shoulder to the extremity of the middle finger; sometimes it is regarded as synonymous with *Cubitus;* and sometimes it denotes the distance between the tips of the middle fingers, when the arms are stretched out in the same plane with the body, *i. e.*, the full extent which can be embraced by the outstretched arms, in which case it would be held as equivalent to six *Pedes.*

X. In applying the divisions of the *As* to measures of length, the *Pes* was regarded as the *As*, and the *Pollex* as the *Uncia.* Hence we read in Columella, DUPONDIO ET DODRANTE *altus sulcus*,[1] i. e., a ditch two feet nine inches deep; and, again, *Habet in latitudinem pars prior* DUPONDIUM SEMISSEM,[2] *i. e.*, is two feet and a half broad.

3. MEASURES OF SURFACE.

XI. We have seen above that the lineal *Actus*, which was the normal length of a furrow, was one hundred and twenty Roman feet; the *Actus Quadratus* was a square, whose side was a lineal *Actus.* A *Jugerum* consisted of two *Actus* put together, and was, therefore, a rectangular plot of ground two hundred and forty Roman feet long, and one hundred and twenty Roman feet broad. Reducing Roman feet to English feet, it will be found that the *Jugerum* contains 27097·92 square feet English, while the English acre contains 43560 square feet; hence the Roman *Jugerum* was less than two thirds of an English acre.

XII. Less frequently mentioned than the *Jugerum* are the *Heredium*=2 *Jugera;* the *Centuria*=100 *Heredia*=200 *Jugera;* and the *Saltus*=4 *Centuriæ*=800 *Jugera.* We hear also of the *Versus*, which

[1] *Colum.*, iii., 13. [2] *Id.*, vi., 19.

contained ten thousand square feet, and the *Actus Minimus*, which contained four hundred and eighty square feet.

XIII. In applying the divisions of the *As* to measures of surface, the *Jugerum* was regarded as the *As*, and fractions of the *Jugerum* were represented by the subdivisions of the *As*. Hence we meet with such expressions as the following, *Triumviri ad id creati* TERNA JUGERA *et* SEPTUNCES *viritim diviserunt*,[1] i. e., assigned to each individual seven jugera and $\frac{7}{12}$ths of a jugerum.

4. MEASURES OF CAPACITY.

XIV. The unit of capacity was the *Amphora* or *Quadrantal*, which contained a cubic foot, and, therefore, according to the computation of the Roman foot given above, must have been equal to five gallons, two quarts, one pint, two gills, nearly. The Amphora was the unit for both Liquid and Dry Measures, but the latter were generally referred to the *Modius*, which contained one third of an *Amphora*, that is, 1·896 imperial gallons, or ·948 of an imperial peck.

XV. This being premised, we may enumerate the divisions of the *Amphora* and the *Modius*.

LIQUID MEASURE.

Amphora	=	2 *Unciæ.*
"	=	8 *Congii.*
"	=	48 *Sextarii.*
"	=	96 *Heminæ* or *Cotylæ.*
"	=	192 *Quartarii.*
"	=	384 *Acetabula.*
"	=	576 *Cyathi.*
"	=	2304 *Ligulæ.*

DRY MEASURE.

Modius	=	2 *Semimodii.*
"	=	16 *Sextarii.*
"	=	32 *Heminæ* or *Cotylæ.*
"	=	64 *Quartarii.*
"	=	128 *Acetabula.*
"	=	192 *Cyathi.*
"	=	768 *Ligulæ.*

XVI. In applying the divisions of the *As* to the above Liquid Measures, the *Sextarius* was regarded as the *As*, and the *Cyathus* as the *Uncia*; hence we read in Martial,

Quincunces et sex cyathos bessemque bibamus
Caius ut fiat, Julius et Proculus.[2]

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[1] *Liv.*, v., 24.

[2] *Mart.*, xi., 37.

That is, let us drink five, and six, and eight *cyathi*, i. e., nineteen *cyathi*, nineteen being the number of letters in the name *Caius Julius Proculus*.

XVII. From *Congius* is derived the word *congiarium*, which properly signifies a vessel holding a *congius*, but was frequently employed, especially in later times, to denote a gratuity of wine or oil bestowed upon the people at large; thus, *Lucullus millia cadûm* IN CONGIARIUM *divisit amplius centum*;[1] also a gratuity of edibles, whether wet or dry, as, *Ancus Marcius rex salis modios sex mille* IN CONGIARIO *dedit populo*;[2] and, finally, a gratuity in money, as CONGIARIA *populo frequenter dedit, sed diversæ fere summæ, modo quadringenos, modo tricenos, nonnunquam ducenos quinquagenos numos*.[3] Under the empire, a gratuity of this nature, when bestowed on the soldiers, was usually termed *Donativum*; thus, *Populo* CONGIARIUM, *militi* DONATIVUM *proposuit*.[4]

March 19. 1852.

CHAPTER XLIII.

ROMAN MONEY.

COPPER COINAGE.—SILVER COINAGE.—GOLD COINAGE.—COMPUTATION OF MONEY.—INTEREST OF MONEY.

I. THERE can be little doubt that the Romans, in the earlier ages of their history, were unacquainted with coined money. Their circulating medium consisted of lumps or ingots of copper (*æs*), which were weighed, and not counted, the name of an ingot of this description being *stipes* or *stips*, from which was formed *stipendium*.

II. According to Pliny,[5] copper money was first coined by Servius Tullius, and stamped with the figure of a sheep (*nota pecudum*), but it is very doubtful whether any such pieces were ever minted at Rome, and it is not unlikely that the story was invented in order to supply a plausible derivation for the word *Pecunia*.

III. Of the coinage as it actually existed from a remote period we can, however, speak with confidence. The practice of hoarding was carried to such an extent in the ancient world, that scarcely a year elapses in which large numbers of Greek and Roman coins are not discovered in various parts of Europe, Asia, and Northern Africa, while the extensive collections which have been formed afford most valuable information on a multitude of topics connected with classical antiquity.

IV. The metals employed by the Romans in their coinage were

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[1] *Plin., H. N.*, i., 14. [2] *Id. ib.*, xxxi., 7. [3] *Suet., Aug.*, 41.
[4] *Suet., Ner.*, 7; *Ramsay, Rom. Ant.*, p. 411. [5] *Plin., H. N.*, xxxiii., 13.

copper (*Æs*), silver (*Argentum*), and gold (*Aurum*). These, however, were not introduced all at once, but in succession.

1. COPPER COINAGE OF THE REPUBLIC.

V. For nearly five hundred years after the foundation of the city, the Romans coined no metal except copper. If any gold or silver pieces were in circulation, they must have been of foreign stamp.

VI. The ordinary copper coins of the republic were six in number, each being distinguished by a particular device, which is preserved with almost perfect uniformity. The names of these coins were the following:

1. *As*	having on its obverse a head of			*Janus.*
2. *Semis*, the half As	"	"	"	*Jove.*
3. *Triens*, $\frac{1}{3}$d of the As	"	"	"	*Minerva.*
4. *Quadrans*, the quarter As	"	"	"	*Hercules.*
5. *Sextans*, the half Triens .	"	"	"	*Mercury.*
6. *Uncia*, $\frac{1}{12}$th of the As ...	"	"	"	*Minerva.*

VII. The device on the reverse is the same in all, being a rude representation of the prow of a ship. On the *As* we find the numeral I; on the *Semis* the letter S; while on the rest round dots indicate the number of *unciæ*. Thus the *Triens* is marked ●●●●, the *Quadrans* ●●●, the *Sextans* ●●, the *Uncia* ●. Many of them have the word ROMA, and it gradually became common for the magistrate

under whose inspection they were struck to add his name. The preceding wood-cut exhibits the *As*.

WEIGHT OF THE AS AT DIFFERENT PERIODS.

VIII. The *As*, regarded as a coin, originally weighed, as the name implies, one pound, and the smaller copper coins those fractions of the pound denoted by their names. By degrees, however, the weight of the *As*, regarded as a coin, was greatly diminished. We are told that about the commencement of the first Punic war it had fallen from twelve ounces to two ounces; in the early part of the second Punic war (B.C. 217) it was reduced to one ounce, and not long afterward, by a *Lex Papiria*, it was fixed at half an ounce, which remained the standard ever after.

According to the statement of Pliny, the *As* was reduced at once from twelve ounces to two ounces by order of the senate, in order to relieve the financial embarrassments under which the state was laboring, or, in other words, the senate resolved to defraud the public creditors by a sudden and enormous depreciation of the currency. This representation, which is in itself incredible, since it is totally at variance with the scrupulous good faith which the government is known to have observed on other occasions, is completely disproved by the fact that *Asses* are still in existence exhibiting a series of weights descending gradually from nearly twelve ounces, through eleven, ten, nine, eight, &c., ounces, till we reach the final half ounce. The diminution in the weight of the *As* arose in all probability from the value of copper in relation to silver, increasing gradually as the latter metal became more common and the former in greater demand.[1]

2. COPPER COINAGE OF THE EMPIRE.

IX. Upon the establishment of the imperial government under Augustus, the old *As* and its divisions ceased to be struck, and a new copper coinage was introduced, consisting,

1. Of those pieces which are commonly called *Imperial Large Brass*, and which form a series extending from Augustus down to Postumus. They are generally about the size of an English penny, and exhibits for the most part on the obverse the head of the reigning prince, or of some member of the imperial family, accompanied by a legend expressive of the name and titles of the individual represented, while on the reverse we find a great variety of most interesting and instructive devices. These pieces are usually of very good workmanship; are in many cases composed, not of ordinary copper, but of fine yellow brass (*aurichalcum*), and are supposed to have passed for four *asses*.

2. Of those pieces commonly called *Imperial Middle Brass*, which

[1] *Plin., H. N.*, xxxiii., 3; *Niebuhr*, i., p. 400; *Ramsay, Rom. Ant.*, p. 412.

resemble the Large Brass, except in so far that they are only half the size.

3. Of those pieces commonly called *Imperial Small Brass*. These do not, like the two former classes, form a regular series; they vary much in size; they seem seldom to have been struck in large numbers, and not to have been struck at all by many emperors.

3. SILVER COINAGE.

X. According to Pliny, silver was first coined at Rome in B.C 269, five years before the commencement of the first Punic war, i pieces of three denominations.[1]

1. The *Denarius*, equivalent to 10 *Asses*.
2. The *Quinarius*, " " 5 "
3. The *Sestertius*, " " $2\frac{1}{2}$ "

But when the weight of the *As* was reduced in B.C. 217 to one ounce, it was ordained, at the same time, that

The *Denarius* should be held equivalent to 16 *Asses*.
The *Quinarius* " " " 8 "
The *Sestertius* " " " 4 "

and this relation subsisted ever after between the silver coins bearing the above names and the *As*.

XI. The *Denarius* and the *Quinarius* continued to be the ordinary silver currency down to the age of Septimius Severus and his sons, by whom pieces composed of a base alloy were introduced, and for several reigns entirely superseded the pure metal. The silver *Sestertius* does not appear to have been coined under the empire, its place being occupied by the Large Brass, which was of the same value. The devices originally stamped upon all three denominations were, on the obverse, a female head, helmeted and winged, with the legend ROMA; on the reverse, the *Dioscuri* on horseback, with spears couched and with conical caps, a star being placed above the head of each. The *Denarius*, *Quinarius*, and *Sestertius* were severally distinguished by the numerals X, V, and IIS, placed behind the helmeted head, and even after they passed respectively for sixteen, for eight, and for four *asses*, the same numerals were retained, as corresponding to their names.

XII. In *Denarii* of a somewhat later date, instead of the *Dioscuri*, we generally find a figure of Jupiter, or some other deity, in a chariot drawn by four or by two horses, and hence such pieces were known as *Quadrigati* and *Bigati*. At an early period, also, it was not uncommon to notch the edges of the coin, in order probably to render forgery more difficult, and hence such pieces were known as *Serrati*.

[1] *Plin., H. N., l. c.*

XIII. *Quinarii* bore originally, as we have seen, the same device as *Denarii*, but it soon became the practice to stamp upon the reverse of all *Quinarii* a figure of the goddess *Victoria*, who appears in various attitudes, sometimes standing, sometimes flying, sometimes in a chariot, sometimes crowning a trophy, and hence the term *Victoriatus* is frequently employed as synonymous with *Quinarius*. On the obverse of both *Denarii* and *Quinarii* the helmeted head gradually disappeared, and was replaced by various heads, sometimes of gods, sometimes of mortals, but never, under the republic, of living personages.

XIV. On the earliest silver coins there is no legend except the word ROMA, but it soon became common for the magistrate intrusted with the task of coining to mark upon the pieces his own name, or that of an illustrious member of the family to which he belonged, and the devices, of which there is a great variety, frequently bear reference to some legend, or exploit, or honor connected with the house. The number of silver coins belonging to the republican period which have come down to modern times is enormous, and from this source alone we can make up a catalogue of nearly two hundred *Familiæ*, whence coins of this class are frequently designated as *Nummi Familiarum*.[1]

XV. The silver coinage of the empire consisted of *Denarii* and *Quinarii*, and differed little from that of the republic, except that the obverse represented almost uniformly the head of the reigning prince, or of some member of the imperial family, while the pieces themselves gradually decreased in weight.

4. GOLD COINAGE.

XVI. Pliny asserts that gold was first coined in B.C. 207, and a few pieces are still extant which correspond with his description,[2] but they are now generally regarded as having been struck in Magna Græcia. The number of gold coins undoubtedly Roman, belonging to the Republican period, is so small, that the best numismatologists are of opinion that this metal did not form part of the ordinary and regular currency until the age of Julius Cæsar, the want having been supplied by Greek *Philippi*. The principal gold coin of the empire was the *Denarius Aureus*, which is generally termed simply *Aureus*, but by Pliny uniformly *Denarius*. The *Denarius Aureus* always passed for twenty-five silver *denarii*. Half *Aurei* were also minted, but these are comparatively rare. The following cut represents an *Aureus* of Augustus in the British Museum, which weighs one hundred and twenty-one grains.

[1] *Ramsay, Rom. Ant.*, p. 415, *seq.*

[2] *Plin., H. N.*, xxxiii., 3.

5. COMPUTATION OF MONEY.

XVII. Sums of money were computed either,

1. *By Asses*; or, 2. *By Sestertii*,

the latter denomination having been generally employed after the introduction of a silver currency. Before considering these separately, it is necessary to explain the system pursued with regard to the numerals.

1. In expressing all sums, from one *As* or one *Sestertius* up to a thousand *Asses* or *Sestertia*, the cardinal or distributive numerals employed agree in case with *As* or *Sestertius*. Thus we say *Decem Asses*; *Viginti Sestertii*; *Ducenti Asses*; *Tricenos Asses*; *Quinquagenis Sestertiis*, *Mille Sestertii*, &c.

2. All sums from one thousand up to one hundred thousand inclusive are expressed by the cardinal or distributive numerals, followed by *As* or *Sestertius* in the genitive plural. Thus we say *Duo millia* . . . *Decem millia* . . . *Bina millia* . . . *Tricena millia* . . . *Centum* or *Centena millia Assium* or *Sestertiorum*. As to the numeral *mille*, we may say with equal propriety, *Mille Asses* or *Sestertii*, and *Mille Assium* or *Sestertiorum*.

3. All sums above one hundred thousand are expressed by prefixing a numeral adverb to *Centena millia*, the word *Assium* or *Sestertiorum* following in the genitive. Thus we say *Bis centena millia* . . . *Quater centena millia* . . . *Decies centena millia Assium* or *Sestertiorum*, to denote 200,000, 400,000, 1,000,000, &c.

But in the great majority of cases the words *Centena millia* are omitted, and the numeral adverb is placed alone, it being the rule that a numeral adverb is never employed in expressing sums of money except when the words *Centena millia* are either expressed or understood. Thus we say *Decies* . . . *Centies* . . . *Millies* . . . *Bis millies* . . . *Tricies quinquies* . . . *Centies millies* . . . *Quadringenties millies* . . . *Quater decies millies Sestertiorum*, &c., to denote 1,000,000, 10,000,000, 100,000,000, 200,000,000, 3,500,000, 10,000,000,000, 40,000,000,000, 4,000,000,000, &c.

XVIII. This being premised, we proceed to explain some details with respect to the computation by *Asses* and by *Sestertii*, considered separately.

1. *Computation by Asses.*—The *As* being a copper coin, the word *Æs* is used in computing sums of money as equivalent to *As*. Thus, *Ex eis qui centum millium æris, aut majorem censum haberent.*[1] Again, *Qui millibus æris quinquaginta census fuisset.*[2] And again, *Qui supra trecenta millia usque ad decies æris.*[3] As long as the *As* retained its original weight of a pound, no confusion could arise between *As* signifying a coin, and *As* denoting a pound weight of metal. But after the *As*, regarded as a coin, underwent successive diminutions in weight, it became necessary to distinguish between the original weight of the coin and the coin actually current, and hence the expression *æs grave* was introduced when a sum was computed according to the ancient standard, that is, when a certain number of *Asses*, or full pounds of metal were to be designated, and not the coin called *As* of inferior weight. Hence we read, *M. Postumius decem millibus æris gravis damnatur.*[4]—*Quia nondum argentum signatum erat æs grave plaustris ad ærarium convehentes.*[5]—*Judici data libertas et æris gravis viginti millia.*[6]—*Ei centum millia gravis æris dari Patres jusserunt: servis vicena quina millia æris et libertatem.*[7]

2. *Computation by Sestertii.*—The word *Sestertius*, contracted for *Semistertius*, is properly an adjective signifying *two and a half.* It means literally "*the third a half one*," just as in Greek τέταρτον ἡμιτάλαντον signifies *three talents and a half.* The substantive understood is *nummus*, and *nummus* is frequently used by itself as equivalent to *sestertius*, the *nummus sestertius* having been emphatically the *nummus* or coin of account from the time when a silver currency was introduced. Thus the statement *Populo trecenos* NUMMOS *viritim divisit* denotes that each individual received three hundred *sestertii.* When *nummus* is employed to denote any other coin, then an adjective is invariably added, fixing the coin in question; thus, *In capita Romana trecenis* NUMMIS QUADRIGATIS, *in socios ducenis,*[8] where the epithet *quadrigatis* indicates that *denarii* are meant.

We have seen that in expressing sums from one up to a thousand *Sestertii*, the numerals agree in case with *Sestertius*, and that in expressing all sums above a thousand, the numeral is joined with *Sestertiorum* in the genitive, for which the contracted form *Sestertiûm* is very frequently substituted.

But the word *Sestertiûm* or *Sestertiorum* is often omitted, and the numeral is placed alone; thus Cicero has *Cujus hic in ædiculis habitat* DECEM, *ut opinor,* MILLIBUS,[9] *i. e., decem millibus sestertiorum;* and, in like manner, Velleius Paterculus, *Lepidum Æmilium augu-*

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[1] *Liv.*, i., 43.
[2] *Id.*, xxiv., 11.
[3] *Id. ib.*
[4] *Id.*, iv., 41.
[5] *Id.*, iv., 60.
[6] *Id.*, xxii., 33.
[7] *Id.*, xxxii., 26.
[8] *Id.*, xxii., 52.
[9] *Cic. pro Cœl.*, 7.

rem quod SEX MILLIBUS *ædes conduxisset adesse jusserunt augures*,[1] i. e., *sex millibus sestertiorum*. In like manner, the numeral adverbs *decies*, . . . *centies*, . . . *millies*, &c., are placed alone, without the addition of *sestertiorum*, to denote one million, ten millions, one hundred millions of *sestertii*.

It must be carefully observed, that wherever *Sestertium* is found in the pure text of any classical writer, it is invariably to be regarded as the contracted general plural for *Sestertiorum*. It can not be proved that the form *Sestertium* as a neuter nominative singular any where exists. In writers of the empire, however, we find the word *Sestertia* used as a neuter plural to denote a sum of *one thousand sestertii*. Thus in Suetonius we have *Reliqua legata varie dedit, produxitque quædam ad* VICENA SESTERTIA,[2] *i. e.*, 20,000 *sestertii*; and in Juvenal we find *Mullum sex millibus emit=æquantem sane paribus* SESTERTIA *libris*,[3] i. e., he paid six thousand sesterces for a mullet, at the rate of a thousand sesterces for each pound.

The *Sestertius* having been originally equivalent to two *Asses* and a half, although it subsequently became equivalent to four *Asses*, was represented in writing by the symbol IIS, that is, two units and a half (S denoting *semis*), a line being drawn through the figures to mark that they were to be taken together, whence arose the common, though, in reality, incorrect abbreviation HS, which appears in many editions. It seems probable that the symbol, and not the word, was always employed in ancient documents, and that much confusion and many blunders have been introduced by the ignorance of transcribers when changing the symbol into a word.[4]

6. COMPARISON OF ROMAN WITH AMERICAN MONEY.

XIX. According to accurate calculations, based upon the weight and assay of the most perfect specimens of *Denarii*, the value of the silver *Sestertius*, at the close of the republic, may be fixed at about three cents nine mills. After the reign of Augustus, the coinage underwent a sensible deterioration both in weight and purity. Taking the higher value, the following table may be useful in converting sums from Roman into our own currency.

	$	cts.	mills.		$	cts.	mills.
1 *Sestertius* . =		3	9	10,000 . . =	390	0	0
10 *Sestertii* . . =		39	0	100,000 . . =	3,900	0	0
100 *Sestertii* . . =	3	90	0	1,000,000 . . =	39,000	0	0
1000 *Sestertii* . . =	39	00	0	10,000,000 . . =	390,000	0	0

[1] *Vell. Paterc.*, ii., 10.
[2] *Suet.*, *Aug.*, 101.
[3] *Juv.*, iv., 15. Compare *Hor.*, *Ep.*, i., 7, 80; *Mart.*, vi., 20.
[4] *Ramsay*, *Rom. Ant.*, p. 419.

7. INTEREST OF MONEY.

XX. A capital sum lent out at interest was termed *Caput* or *Sors*. The interest paid upon it was termed *Fenus* or *Usura*, the latter word being generally used in the plural *Usuræ*. The rates of interest most frequently mentioned in the classics are the *Fenus Unciarium* and the *Usuræ Centesimæ*; but the real import of these expressions has proved a fruitful source of controversy. Niebuhr, in the third volume of his history, has a masterly dissertation on this subject, and his conclusions appear to be impregnable. We shall briefly consider each rate separately.

(A.) FENUS UNCIARIUM.

XXI. The capital being regarded as the *As* or Unit, and the interest being calculated by the year, then the *Fenus Unciarium*, or Uncial Interest, would be one twelfth part of the capital, that is, eight and one third per cent. per annum. But if we suppose with Niebuhr that this rate was introduced while the year of ten months was still observed, then eight and one third per cent. for a year of ten months will be exactly ten per cent. for a year of twelve months.

XXII. According to Tacitus,[1] the first legislative enactment on the subject of interest was contained in the Laws of the Twelve Tables, which provided (B.C. 451–449) that the *Fenus Unciarium* should be the maximum rate of interest. Livy, however, seems[2] to refer the introduction of this restriction to the *Lex Duilia Mænia* of B.C. 357, nearly a century later. The same historian records,[3] that in B.C. 347, the legal rate of interest was reduced one half; and again we find in him the following,[4] *Invenio apud quosdam L. Genucium, Tribunum plebis, tulisse ad populum ne fenerare liceret*; and Tacitus[5] declares that a law to that effect was actually passed; but, if this were really the case, it must, from its very nature, have been absolutely powerless.

(B.) USURÆ CENTESIMÆ.

XXIII. Toward the close of the republic we hear for the first time of *Usuræ Centesimæ*, which must signify interest amounting to the one hundredth part of the capital, or one per cent. But this was probably introduced along with the Greek fashion of paying interest monthly, so that *Usuræ Centesimæ* was one per cent. per month, or twelve per cent. per annum.

XXIV. *Usuræ Centesimæ* being twelve per cent., when a lower

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[1] *Tac.*, *Ann.*, vi., 16. [2] *Liv.*, vii., 16. [3] Compare *Tac.*, *l. c.*
[4] *Id.*, vii., 42. [5] *Tac.*, *l. c.*

rate was charged the proportions were expressed by the divisions of the *As*. Thus *Usuræ Besses*, *U. Semisses*, *U. Trientes*, *U. Quadrantes*, signify respectively 8, 6, 4, and 3 per cent. On the other hand, when security was bad, a higher rate was exacted, and we hear of *Binæ Centesimæ*, i. e., twenty-four per cent.; *Quaternæ Centesimæ*, i. e., forty-eight per cent.; and when Horace uses the phrase *Quinas hic capiti mercedes exsecat*, he must mean *Quinæ Centesimæ*, i. e., sixty per cent.[1]

[1] *Cic., Verr.*, iii., 70; *ad Att.*, vi., 2; *Hor., Sat.*, i., 2, 14.

March 22. 1852.

EXCURSUS

ON

THE ROMAN TIBIÆ.

I. The *Tibia* or pipe (αὐλός) was the commonest musical instrument of the Greeks and Romans. It was very frequently a hollow cane, perforated with holes in the proper places.[1] In other instances it was made of some kind of wood, especially box, and was bored with a gimlet.[2]

II. When a single pipe was used by itself, the performer upon it, as well as the instrument, was called *monaulos*.[3] When its size became considerable, and it was both strengthened and adorned by the addition of metallic or ivory rings,[4] it must have been comparable to the flageolet, or even to the clarionet of modern times. Among the varieties of the single pipe, the most remarkable were the bagpipe, the performer on which was called *utricularius*, and a pipe which had a mouth-piece inserted into it at right angles, and which was called in Latin *Tibia Obliqua*, and in Greek πλαγίαυλος.

III. Among the Greeks and Romans it was more usual to play on two pipes at the same time. Hence a performance on this instrument, even when executed by a single person, was called *canere* or *cantare tibiis*.[5] This act is exhibited in very numerous works of ancient art, and often in such a way as to make it manifest that the two pipes were perfectly distinct, and not connected, as some have supposed, by a common mouth-piece.

IV. Performers on the tibiæ wore a broad leather band or cheek-piece, with an opening for the mouth, round the head and face when blowing their instruments, which enabled them to produce a fuller, firmer, and more even tone. It was called *capistrum*, and is represented in the wood-cut on the following page.

V. The *Tibiæ pares* were a pair of pipes of equal length and bore,

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[1] *Plin.*, *H. N.*, xvi., 36, 66. [2] *Ov.*, *Fast.*, vi., 697.
[3] *Mart.*, xiv., 64. [4] *Hor.*, *Ep. ad Pis.*, 202, *seqq.*; *Propert.*, iv., 6, 8.
[5] *Gell.*, xv., 17; *Corn. Nep.*, xv., 2.

both of which produced the same tone, namely, both bass or both treble. They were inflated, moreover, by one musician, though, as already remarked, each pipe was a separate instrument.

VI. The *Tibiæ impares* were a pair of unequal pipes played by a single performer, but each of which had a different pitch or produced a different sound, the one bass and the other treble, believed to result from inequality in the relative length of the pipes, and of the intervals between the stops.

VII. By *Tibia dextra* was meant that one of a pair of pipes which was held in the right hand when playing. It was made from the upper part of the reed or cane,[1] and produced the deep or bass notes, whence it is called by Herodotus[2] "the manly pipe." The Eunuch of Terence was accompanied by a pair of bass pipes (*tibiis duabus dextris*); the Andria by a double set of pipes, one pair of which were both bass, the other both trebles (*tibiis paribus dextris et sinistris*).

VIII. The *Tibia sinistra* or *læva* was one of a pair of pipes which was held in the left hand. It was made of the lower part of the reed or cane, near the roots,[3] and produced the sharp or *treble* notes, whence it is termed by Herodotus "the womanly pipe."[4]

IX. The English term *Flute* is generally given as an equivalent for *tibia*, but Clarionet or Flageolet would be much more appropri-

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[1] *Theophrast., H. P.*, iv., 12; *Plin., l. c.*

[2] *Herod.*, i., 17.

[3] *Theophrast., H. P.*, iv., 12; *Plin., H. N.*, xvi., 66.

[4] *Herod., l. c.*; *Smith, Dict. Ant., s. v. Tibiæ*; *Rich*, p. 663.

ate; for while the *tibia* in so far resembled the flute that it was a cylindrical tube perforated with holes, and frequently made of box-wood, it was not held horizontally, nor were the notes produced by blowing into the holes, but it was held vertically, and the notes were produced through the medium of a mouth-piece.

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INDEX.

A.

A. Page 61, 163
Ablegmina 196
Accensi 34, 85, 122, 327
Accensus 69
Accusatio 159
Accusator 159
Acetabulum 427
Acrostolion 267
Acta diurna 48
" senatus 48
Actio in personam 166
" in rem 166
Actionem edere, postulare 166
Actiones (kinds of) 166
Actor 165
Actors 219
Actuarii 48, 120
Actus 426
" minimus 477
" quadratus 426
Addictus 129
Adoptio 133
Adoratio 194
Adrogatio 53
Advocati 162
Adytum 174
Ædiles 99
" curule 100
" plebeian 99
Ædituï 193
Ærarium sanctius 72
Ærarius 89
Æs 428, 439
Æstiva 243
Agger 243, 262
Agitatores 205
Agmen 239
" quadratum 240
Agnati 131, 142
Agnomen 143
Agonalia 199
Agricultura 399
Aiæ 355
Alba linea 205
Albogalerus 190
Album judicum 160, 161
Alea 329
Alites 57, 179
Alta semita 5
Altare 173
Altars 173
Ambarvalia 188
Ambitus 55
Ambulatio 376
Amphitheatrum Page 212
" Flavianum 212
Amphora 427
Amphoræ 413
Ampulla 335
Amurca 416
Anagnostæ 148
Ancilia 191
Ancora 273
Andabatæ 210
Angiportus 4
Anio Novus 16
Annuli 306
Annus Julius 419
" Numæ 418
" Romulius 417
Antæ 174
Anteambulo 394
Antecœna 312
Antennæ 270
Antepilani 227
Antesignani 248
Antestari 165
Anticum 174
Apex 190
Apodyterium 334
Apollinis templum 12
Apotheca 414
Apotheosis 198
Apparitores 85, 120
Aqua Claudia 15
" Marcia 15
" Virgo 15
Aquarii 16
Aquarum curatores 16
Aqueducts 15
Aquila 247
Aquilifer 238
Ara 173
Aratio 403
Aratrum 402
Arbiter bibendi 322
Arbitria 343
Arca (loculus) 345
" publica 51
Archigallus 193
Arcus triumphalis 14
Arena 212
Argentariæ 5
Aries 263
Arma equitum 235
" peditum 232
Armaria 243, 358
Arrest 165
Arrogatio 133
As 424, 433
Asamenta Page 192
Assessores 118
Athenæum 12
Athletæ 207
Atramentum 384
Atrium 354
" Corinthium 355
" displuviatum 355
" testudinatum 355
" tetrastylum 355
" Tuscanicum 355
Auctio 136
Auctoramentum 208
Auctorati 208
Auctoritates 48
Auguraculum 181
Augurale 181
Augures 179
Augurium 179
Augustaria 200
Augustus 125
Aulæa 218
Aureus 432
Aurichalcum 430
Aurigæ 205
Auspex 179
Auspicata comitia 57
Auspices (mode of taking at Comitia Centuriata) 57
Auxilia 231
Aventinus 5

B.

Balineum 358
Balistæ 262
Balneæ 332
Balneum 335
Basilicæ 12
Basterna 397
Baths 335
" hot 13
Bes 424
Bibliopolæ 387
Bibliotheca 357
Bidens 273
Bidental 345
Bidentales 345
Bigæ 398
Bigati 431
Biremes 266
Bissextum 419, 423
Bona Dea 200
Books 385
Brachia (portus) 276
Bravium 206
Bridges 8

Buccina..... Page 245
Bulla aurea 283
Buris 402
Bustuarii..... 346
Bustum..... 346
Byblus 378

C.

C..... 163
Cælimontium 4
Calamistrum 300
Calamus 383
Calatores 194
Calcatorium 413
Calcei 290
" nigri 42
Calceos mutare 42
Calceus repandus ... 292
Calculi 330
Calculus..... 163
Calda..... 323
Caldarium 335
Calendæ..... 420
Calida 323
Caliga 292
Calix..... 321
Calumnia 164
Calx 205
Camara..... 364
Camillæ 194
Camilli 194
Camillus..... 339
Caminus..... 369
Campi..... 10
Campus Martius..... 10
" Flaminius... 10
Cancelli 60, 204
Candela cerea..... 370
" sebacea 370
Candelabrum 370
Candidati.... 55, 104, 280
Canis 323
Cannabis 411
Capistrum 439
Capite-censi..... 34
Capitis deminutio..... 142
" deminutus ... 142
" minor 142
Capitolium 7, 11
Capsa 386
Capsarii 334, 386
Capulum 392
Capulus 344
Caput 436
" habere 92
Carcer..... 169
Carceres 60, 204
Carchesium 270
Carmentalia 199
Carnifex..... 123
Carpentum 395
Cassiani 157
Castellarii 16
Castellum..... 16
Castra 243
" stativa 243
" movere 246
Catapultæ 262
Catasta 146
Catervarii..... Page 210
Caupona 390
Causæ centumvirales 165
" privatæ..... 159
" publicæ..... 159
Causam subscribere . 160
Cautela 268
Cavea 217
Cavum Ædium..... 354
Cella 174
" vinaria 413
Celsitudo 20
Censitores 92
Censors 86
Censuales 93
Census 90
Centesima 140
Centesimatio 259
Centumvirale judicium 165
Centumvirales causæ 165
Centumviralis hasta . 165
Centumviri 165
Centuria..... 426
" prærogativa 59
Centuriæ 33
Centurio..... 237
" primi pili .. 238
Centussis 425
Cera prima, &c.. 137, 381
Cereales 101
Certamen gymnicum 207
Ceruchi 271
Cessio in jure 135
Charonitæ 152
Charta..... 379
" Augusta 379
" Claudia 379
" Emporetica .. 379
" Pergamena... 380
Cheniscus 267
Cicer 410
Cinctus Gabinus..... 280
Cinerarius 300
Ciniflo..... 300
Circi 13
Circuitores 16, 245
Circus Flaminius 5
" Maximus 5, 13, 203
Cisium 395
Cista 61
Clarigatio 189
Clarissimi..... 128
Classes 33
" juniorum 33
" seniorum.... 33
Classiarii 274
Classici..... 273
Classis..... 33, 266
Claustra 368
Clavus..... 269
" Angustus... 27, 42
" Latus 42
Clepsydra..... 168
Clientes 28
Clipeus 235
Cloaca maxima 16
Cloacæ 16
Coactores..... 121
Coæ Vestes .... Page 304
Cochlear..... 320
Codex 158
Coemptio 337
Cœna 312
" nuptialis..... 340
" recta..... 30, 327
Cœnacula..... 359
Cœnatio 314
Cognati..... 131, 143
Cognitores 162
Cognomen 143
Cohors 228, 229
" Prætoria..... 229
Collegia tribunalia ... 165
Collegium Augurum . 180
Collis Hortulorum ... 8
Colosseum 13, 212
Columbarium 348
Columna Antonini... 15
" Trajani..... 15
Columnæ 14
" rostratæ .. 14
Colus..... 270
Comes domesticorum 128
" dispositionum 128
" rerum privatarum 128
" sacrarum largitionum ... 128
Comitia..... 51
" Centuriata 53–56, 58
" Curiata..... 52
" Majora 53
" Tributa 62
Comitialis morbus ... 58
Comitium 53
Comperendinatio ... 164
Compitalia..... 200
Compluvium..... 354
Concilium 118
Confarreatio 337
Congiarium 428
Congius 427
Conjectio causæ..... 167
Connubium.. 21, 131, 336
Conscripti 38
Consecratio..... 197, 198
Consilium semestre.. 43
Constitutiones Principum 156
Consualia 200
Consul major 70
Consular age..... 78
Consules 68, 69
" designati... 75
" honorarii .. 80
" ordinarii . 78, 80
" suffecti 78
Consuls 68, 69
" with power of dictator 112
" powers of... 70, 71, &c.
Conti 270
Contubernales 117
Contubernium .. 131, 150
Conventio 336

Conventus ..... Page 118
Co-optatio 175, 176
Cornicines 34
Cornu 245, 386
Cornua 271
" (Portus) 276
Corona castrensis 249
" civica 248
" muralis 249
" navalis 275
" obsidionalis 248
" rostrata 275
" triumphalis 249
" vallaris 249
" cingere 261
" (sub) 145
Coronam colligere 168
Corpus juris civilis 159
Corvus 265
Cothurnus 220, 293
Cotyla 427
Covinus 396
Crater 321
Crepida 294
Creta 205
Cretula 381
Crimen majestatis 119
" peculatus 119
" repetundarum 119
Cubicula 356
Cubicularii 128
Cubiculum 213
Cubitus 425
Cucullus 288
Culina 358
Cultrarius 194
Cuneus 214
Cunei 217
Curator viæ 9
Curatores 4
Curia 32
" hostilia 44
" Julia 44
Curiæ 44
Curio 32
" Maximus 32
Cursus 205
Curulis Sella 35, 70
Custodes 61
Custodia libera 169
Custos urbis 39, 115
Cyathus 321, 427
Cyclas 282

D.

Debtors 130
Debts 130
Decempeda 426
Decem primi 39
Decemviri 165
" (legibus scribendis) 112
Decimatio 259
Decumæ 140
Decuria 228
Decuriæ senatorum 39
Decussis 425
Dedicatio 197
Dedititii 145
Deductores ..... Page 55
Defrutum 414
Dei consentes 172
" magni 172
" selecti 172
" majorum et minorum gentium 172
Delubrum 174
Demensum 148, 260
Denarius 431
" aureus 432
Dentes 302
Dentifricium 302
Deportatio 142
Designator 344
Detestatio sacrorum 53
Deunx 424
Deversorium 390
Devotio 198
Dextans 424
Diadema 35
Diæta 359
Diarium 148
Dictator 106
Dies Alliensis 200
" comitiales 202
" comperendini 202
" fasti 82, 201
" intercisi 202
" nefasti 82, 202
" præliales 202
" profesti 202
" stati 202
Diffareatio 341
Digesta 158
Digitus 425
Diminutio capitis 142
Diploma 20
Dipteral 174
Diribitores 61
Discessio 47
Discus 207
Divinatio 159, 160
Divortium 341
Divisores 56
Dodrans 424
Dominus funeris 344
Domus 4, 351, 361
" triumphalis 256
Donativum 428
Dormitoria 356
Dos 338
Drachma 425
Draco 247
Draconarius 247
Ducenarii 161
Ducere 339
Duella 424
Duodecim scripta 330
Duplarii 251
Dupondius 424
Duumviri 184
Dux classis 274
Dux turmæ 228

E.

Edere actionem 166
Edicta 156
" nova 83
Edicta prætoris ..... Page 83
" tralatitia 83
Edictum perpetuum 84
Editor 208
Education 377
Egregii 128
Emancipatio 133
Emeriti 260
Eminentia 20
Emperors 124
Enuptio gentis 131
Ephippium 236
Epistola 382
Epithalamia 340
Epulones 188
Epulum Jovis 200
Eques (fortune of an) 27
Equitatus justus 225
Equites ..... 33, *sqq.*
" equo publico 24
Equitum transvectio 25
Equus Octobris 200
" publicus 24
Ergastulum 149
Essedarii 210
Essedum 210, 395
Euripus 203, 213
Evocati 261
Exauctoratio 258
Exauguratio 197
Exceptores 120
Excubiæ 245
Execratio 198
Exedræ 357
Exercitus urbanus 54
Exilium 170
Expediti 229
Exsequiæ 343
Exsilium 170
Exta 183, 196
" muta 183
Extraordinarii 239

F.

Faba 410
Fabii 193
Fabri 34
Fabulæ 216
" palliatæ 216
" prætextæ 216
" tabernariæ 216
" togatæ 216
" trabeatæ 216
Factio 206
" alba 206
" prasina 206
" russata 206
" veneta 206
Familia 209
Familiæ 143
" emptor 137
Fanum 174
Far 409
Farreum 337
Fasces 35, 70
Fascia 268
Fasciæ 289
Fasti 176
Fastigium 174

Fauces ..... Page 356
Faunalia 199, 200–201
Fenestra 364
Fenus 436
" unciarium 436
Feralia 199
Fercula 313
Feretrum 344, 392
Feriæ 198
" conceptivæ .. 198
" denicales 350
" imperativæ 199, 201
" Latinæ 201
" stativæ 198
Fescennina 216
Festum anciliorum .. 199
Fetiales 189, 222
Fictores 194
Fideicommissum 138
Flamen dialis 190
Flamines 190
" majores.... 190
" minores.... 190
Flaminica..... 191
Flammeum 339
Flexumines 24
Floralia..... 200
Focale..... 289
Foculi 369
Follis 328
Fora..... 5
Fori..... 266
Foris 367
Foruli 358
Forum Augusti..... 6
" Cæsaris 6
" castrense 244
" Julium 6
" Romanum ... 5, 6
" sepulcri..... 348
Fossa..... 243
Fratres arvales 187
Frigidarium 334
Frumenta 409
Fucus 301
Fumarium 414
Funditores 229
Fundus 399
Funera indictiva..... 121
Funerals..... 342
Funeris ara 346
Funes 272
Funus 342
Furcifer 149
Fuscina..... 210
Fustuarium 170, 259

G.

Galea..... 233
Galerus 177, 296
Galli 193, 210
Games..... 202
Gates 5
Gausape 319
Gentes..... 30
Gentiles 142
Gentilitatis 131
Gentilitia 141
Gestatio 376
Gladiatorium... Page 208
Gladiators 208
Gladius 234
Gradus 213, 425
Graphiarium 383
Graphium 383
Gratiarum actiones .. 195
Gruma 1
Gubernaculum 269
Gubernator 274
Gustatio 312
Guttus..... 335
Gymnastic contests .. 207

H.

Hæreditatis Cretio... 138
Hæres ex asse..... 139
" ex triente, &c. 139
" fiduciarius.... 138
Haruspices 182
Hasta 227, 232
" pura..... 250
" (sub) 145
" " vendere . 136
Hastati 227
Hastile..... 232
Head-dress..... 297
Hebdomades..... 421
Heirs..... 139
Heliocamini..... 369
Hemina..... 427
Hepteres 266
Heredium..... 426
Hexaphoron 393
Hexeres 266
Hiberna 243
Hills of Rome..... 6
Hippodromus 376
Histriones..... 216, 219
Hoplomachi..... 210
Hordeum 409
Hortator..... 274
Hortus 374, 375
Hospitium 360
" privatum . 388
" publicum . 389
Houses 351
Hypæthral 174
Hypætrum..... 367
Hypocaustum 335
Hypozomata 271

I. J.

Jaculatores 229
Janiculum 8
Janua 353, 366
Januarius 418
Janus (temple of) ... 12
Idus 420
Jentaculum 311
Ignis et aquæ interdictio 141, 170
Ignominia 89, 170
Illustres 128
Imagines..... 19
Imaginum jus 19
Imperator 124, 251
Imperium..... 66
Impluvium 354
Inaures ..... Page 302
Incensus..... 91
Indusium 286
Infamia..... 89, 170
Inferiæ 350
Inscripti 149
Insignia of consul, &c. 69
Instita 281
Instituta 158
Insula 360
Insulæ..... 4
Intercedere 46
Intercessio 96
Interdictio aquæ et ignis 170
Interdictum prætoris 83
Interpretes..... 56
Intermontium..... 7
Interregnum 114
Interrex 114
Intestabiles 162, 170
Irpex..... 406
Isis et Moneta 4
" " Serapis 4
Index Quæstionis ... 161
Judices 160
Judicia 159
" privata 164
" publica extraordinaria .. 160
Judicium tutelæ..... 139
Jugamentum 366
Jugerum..... 426
Jugum 397
Julii 193
Jure cessio 135
Jurisconsulti 157
Jurisdictio 66
Jurisperiti..... 157
Jurisprudence..... 153
Jurisprudentes 157
Jus..... 154
" Ælianum..... 155
" census 139
" civile 157
" " Flavianum . 155
" civitatis 128
" connubii 131
" dicere 82
" dominii legitimi .. 134
" edicendi 83
" gentilitatis et familiæ 131
" honorum..... 141
" imaginum 19
" Italicum 118
" libertatis 129
" militiæ..... 140
" Papirianum 154
" patrium 131
" pontificium .. 154, 157
" postliminii 142
" prætorium 156
" provocationis 129
" Quiritium 128
" sacrorum 141
" suffragii..... 141
" testamenti et hereditatis..... 136

Jus tributorum .Page 140
" tutelæ 139

K.

K..... 164
King, election of..... 35
Knights v. Equites.

L.

Lacerna 288
Laconicum 335
Lacunaria 364
Læna..... 190
Lagena 413
Lanistæ..... 209
Laquearia 364
Larentalia 201
Lares..... 172
Laticlavia 42
Latinitas..... 152
Latrunculi 330
Laudatio..... 345
Laudatores 163
Laudicœni 168
Lavatio calda..... 335
Law, mode of proposing at Comitia Centuriata..... 56
Lectica 392
" funebris 392
Lecticarii 392
Lecticula 394
Lectisternium 195
Lectulus..... 394
Lectus..... 315
" funebris 392
" imus 317
" medius 317
" summus 317
Legati 240
" Cæsaris 125
Legatio libera 42
Legatus..... 117
" pro prætore . 241
Leges regiæ..... 154
" tributæ 156
Legio..... 223, 230
Legion, number of men in a..... 225
Lemuralia 196
Lemuria 200
Lens 410
Lex curiata de imperio..... 53
" talionis..... 170
Libations 197
Liber 385
Liberalia..... 199
Libertinus 153
Libertus 29, 153
Librarii 387
Libri pontificii..... 177
Libripens 137
Lictor primus..... 122
" proximus 122
Lictores 69, 122
Ligula..... 320, 427
Limen..... 366
" superum 366
Linum .....Page 411
Litera salutaris 163
" tristis 163
Literæ..... 382
" laureatæ 251
Literati..... 148
Lithostrota..... 362
Liticines 34
Lituus 245
Loculamenta..... 358
Locus consularis 318
Lorica..... 233
Lucar 221
Lucerenses 31
Luceres 31
Lucerna 370, 371
Lucerum 2
Ludere par impar ... 330
Ludi Apollinares 200
" Augustales..... 200
" circenses.. 202, 203, 205
" consuales 203
" gladiatorii.. 208, 209
" imperativi 202
" literarii 378
" magni 200
" Romani..... 200
" sæculares..... 214
" scenici 214, 215
" Tarentini 214
" Taurii 214
" votivi..... 202
Ludiones 215
Ludus Æmilius..... 209
" Trojæ 206
Lunula 19
Lupercalia..... 193, 199
Luperci..... 193
Lupinus 410
Lustratio 198
Lustrum..... 92

M.

Mæniana..... 213
Magister bibendi 322
" collegii..... 181
" convivii 322
" equitum.... 111
" libellorum.. 128
" populi 106
" scrinii epistolarum .. 128
" scriniorum . 128
Magistrates 66, 67
" curule ... 67
" provincial 116
Magistratus 66
" curules .. 67
" extraordinarii... 67
" majores . 67
" minores . 67
" ordinarii. 67
Magnificentia..... 20
Magnitudo 20
Majestas 119
Malus 270
Mamillare 303
Mancipatio .Page 133, 135
Mancipes 141
Mancipium 135
Mangones..... 146
Manipulus 227
Mantele 319, 320
Manumissio 151
" per censum.. 151
" per vindictam 151
Mappa..... 316, 320
Marriage..... 337
Mars ultor 12
Matralia 200
Matrimonium justum 336
Matrona 337
Matronalia 199
Mausoleum 348
Meals 311
Medica..... 411
Medicamina..... 301
Meditrinalia..... 200
Megalesia 199
Membrana 380
Mensæ 318
" lunatæ..... 319
" secundæ..... 314
Menses 420
Menstruum 148
Mercedonius 418
Merenda..... 312
Meridiani 210
Messio..... 407
Metæ 204
Metalla 140
Metatores 243
Mile 426
Military affairs .. 222, *sqq.*
Milites stationarii.... 127
Milium 409
Mille (passuum) 426
Mimus..... 216
Minervalia 199
Ministratores..... 168
Ministri 120
Mirmillones 210
Missio 209
" causaria 260
" gratiosa 260
" ignominiosa .. 260
" justa 260
Missione (sine) 209
Missus..... 206
" ærarius 206
Modius 427
Monaulos 439
Monomyxos 371
Monopodium..... 319
Mons Aventinus 7
" Cælius 7
" Capitolinus.... 7
" Esquilinus 8
" Janiculensis ... 8
" Murcius..... 7
" Palatinus..... 6
" Pincius 8
" Quirinalis 7
" Saturnius 7

Mons Tarpeius..Page 78
" Vaticanus 8
" Viminalis 7
Months, divisions of . 420
Moratores 206
Morbus comitialis 58
Mors 170
Mulcta 169
Mullei (calcei) 292
Mulsum 311, 323
Mundus 1
Munera 208
Munerator 208
Municipia 389
Musical instruments . 439
Musivum opus 362
Mustum 413

N.

N. L. 163
Nauclerus 274
Naumachia 207
Naumachiarii 208
Navarchus 274
Naves actuariæ 267
" corbitæ 267
" Liburnæ 267
" longæ 266
" onerariæ 266
" turritæ 266
Navicularius 274
Neptunalia 200
Nidi 358
Nobiles 19
Nobilissimi 128
Nomen 143
Nomenclator 55
Nonæ 420
Nota censoria 89
Notæ Tironianæ 383
Notaria ars 383
Notarii 120
Notarius 383
Notati 149
Novæ Tabulæ 130
Novellæ 159
Novendiales 350
Novi homines 19
Nubere 339
Nudus 287
Numeratio 47
Nummus 434
Nuncupatio 137
Nundinæ 417, 421
Nuptiæ justæ 336

O.

Obolus 425
Occatio 406
Ocrea 233
Octophoron 393
Octussis 425
Oculus 273
Œci 357
Olea 414
Oleum 416
Operarii 401
Opifera 272
Opisthographi 380
Oppidum ..... Page 204
Optio 239
Orchestra 42, 43, 217
Orcini 152
Ordo 237
" equestris 26
" tribuum 31
Ornamenta triumphalia 256
Ornatrices 297
Oscines 179
Ostium 366
Ova 204
Ovation 257
Ovile 60

P.

Pædagogi 378
Pænula 288
Paganalia 32, 201
Pagani 32
Paganica 328
Pagi 32
Pala 308
Palatium 5, 6
Palilia 1, 199
Palimpsestus 380
Palla 282, 287
Pallantium 6
Pallium 277
Palmipes 425
Palmus 425
Paludamentum 241
Pandectæ 158
Panicum 409
Pantheon 4
Pantomimi 217
Papyrus 378
Paragaudæ 305
Parapherna 338
Parascenium 218
Parasemon 267
Parentalia 350
Parietes 363
Parma 232
Pascua 140
Passus 425
Pastio 399, 416
Pater patratus populi Romani 189
Patera 321
Patina 320
Patres 18, 38
" conscripti 38
Patribus enubere 131
Patricians 17
Patricii honorarii 20
" præsentales .. 20
Patricius (Constant.) 19–20
Patronus 28
" causæ 162
Pausarius 274
Pay, military 359
Pecuarii 101
Peculatus 119
Peculium 132, 150
" castrense .. 132
Pecunia 428
Pedes 272
Penates ..... Page 172
Penetrale 174
Perfectissimi 128
Peripteral 174
Peristyle 174
Peristylium 356
Persona 220
Pero 292
Pertica 426
Pes 425
Pessulus 368
Petasus 296
Petitor 159, 165
Petorritum 397
Phalangæ 275
Phaleræ 250
Pharos 276
Phaselus 410
Pila 328
Pilani 227
Pilentum 396
Pileus 296
Pilum 234
Pinacotheca 357
Piscina publica 5
Pistrinum 149
Pisum 410
Planta lunata 62
Plebeians 18, 20
Plebiscita 62, 156
Plebs 20
Podium 203, 211, 213
Police 127
Pollex 426
Pollinctores 342
Polymyxos 371
Pomœrium 2
Pons 8, 60
" Ælius 9
" Æmilius 8
" Cestius 8
" Fabricius 8
" Janiculensis 8
" Milvius 9
" Palatinus 8
" Sublicius 8
" Vaticanus 8
Pontifex Maximus ... 175
Pontifices 175
" minores ... 178
Ponticulus 60
Popa 390
Popæ 194
Popina 390
Popularia 213
Population of Rome .. 3
Populus Romanus ... 18
Porta Capena 4, 5
" Carmentalis ... 5
" Collina 5
" Decumana 244
" Fontinalis 5
" Janualis 5
" Mucionis 5
" Navalis 5
" Pompæ 204
" Prætoria 244
" Principalis dextra 244

Porta Principalis sinistra... Page 244
" Romanula 5
" Scelerata 5
" Trigemina 5
" Triumphalis .. 5
Porticoes 13
Portisculus 274
Portorium 140
Portus 276
Possessiones 134
Postes 366
Posticum 174
Postsignani 248
Postulatio 161
" actionis ... 166
Præcinctio 213, 217
Præcones 121, 194
Præconium 121
Prædia urbana 135
Præfecti sociorum ... 239
Præfectus annonæ ... 127
" prætorio .. 126
" morum ... 87
" urbi .. 102, 115
" " (emperors) ... 127
" vigilum 26, 127
Præficæ 344
Præludio 209
Prænomen 143
Præpetes 57, 179
Præpositus sacri cubiculi 128
Prærogativa 60, 65
Præsides 125
Præteriti 40
Prætor (prætor) .. 68, 81
" peregrinus ... 82
" urbanus 82
Prætoriæ provinciæ . 76, 117
Prætoriani 229
Prætorium 244
Prævaricatio 164
Prandium 311
Prayers 194
Prelum 413
Priests 175
Primipilus 238
Primitiæ 196
Princeps juventutis .. 26
" quæstionis .. 161
" senatus .. 39, 115
Principatus 39
Principes 227
Principia 245
Principium 65
Procinctus (in procinctu) 137
Proconsules 125
Proculiani 157
Procuratores 162
" Cæsaris 125, 126
Prodictator 107
Proletarii 34
Promulsis 312
Propes 272
Proquæstor .... Page 105
Prora 267
Proreta 274
Proscenium 218
Prostyle 174
Protropum 413
Provinces to consuls . 76
" division of 125
Provincia 76
Provinciæ consulares 76, 116
" prætoriæ 76, 117
Provincial magistrates 116
Provocatores 210
Prudentes 157
Publicani 27, 141
Pugna equestris et pedestris 207
Pullarius 179
Pulpitum 218
Punctum 61
Punishment (military) 258
Puppis 268
Puticuli or -læ 348

Q.

Quadrans 424, 429
Quadrantal 427
Quadrigæ 398
Quadrigati 431
Quadriremes 266
Quæstiones 162
" perpetuæ 85, 160
Quæstores 102
" candidati . 104
" classici ... 102
" militares . 104
" parricidii . 85
" urbani ... 104
Quæstorium 244
Quæstura Ostiensis .. 104
Quartarius 427
Quatuorviri viarum curandarum 106
Quinarius 431
Quincunx 424
Quinctilii 193
Quindecimviri 184
Quinquatrus 199
" minores 194
Quinqueremes 266
Quinquertium 207
Quinqueviri 184
Quirinalia 199
Quirites 2
Quirium 2, 7

R.

Ramnenses 30
Ramnes 30
Recuperatores 164
Regifugium 199
Regio Collina 4
" Esquilina 4, 5
" Palatina 4
" Suburana 4
" Transtiberina . 5
Regiones of Augustus 4
" " Servius . 4
Relationem postulare Page 46
Relegatio 141
Religion of the Romans ..... 161, *sqq.*
Remancipatio 341
Remi 269
Repagula 368
Repetundæ 119
Repotia 340
Repudium 342
Res mancipi 134
" profanæ 134
" sacræ 134
Resignare 138
Responsa 156
" prudentum 157
Restes 272
Restipulatio 167
Retiarii 210
Reticulum 301
Reus 57, 159, 162
Rewards (military) .. 248
Rex 35
" sacrificulus 68
" sacrorum 68
Rheda 397
Roads 9
Rogatores 61
Roma Quadrata 1, 5
Roman empire (limits of) 17
" people (division) 17
Rome founded 1
Rorarii 227
Rostrum 267
Rudentes 272
Ruderatio 362
Rudes 209
Rudiarii 210
Runcatio 406

S.

Sabiniani 157
Sacellum 174
Sacerdotes 175
Sacra (ancora) 273
Sacramentum 231
Sacrarium 174
Sacrifices 195
Sagittarii 229
Sagulum 242
Sagum 242
Salii 191
" Agonales 192
Salinæ 140
Saltus 426
Samnites 211
Sandalium 294
Sandapila 344
Sarcophagus 346
Sarculatio 406
Sarritio 406
Satio 405
Saturæ 216
Saturnalia 149
Scalæ 213, 270
" Gemoniæ 169

Scalmi ..... Page 268
Scena 218
Scipio eburneus 35
Scorpiones..... 262
Scriba 85
Scribæ 120
" Ædilicii..... 120
" Prætorii 120
" Quæstorii.... 120
Scrinium 386
Scriptura 140
Scriptum facere 120
Scrupulum 424
Scutum 232, 233
Sectatores 56
Securis 35, 70
Secutores..... 211
Sedere..... 167
Sella curulis 35
Semis 424, 429
Semisextula 424
Semones..... 172
Semuncia..... 424
Senacula 44
Senate..... 38
" mode of decree 47
" power of... 49, 50
" mode of summoning..... 44
" mode of conducting business 45
" quorum of.... 45
" day and place of meeting of 43
Senators..... 18
" manner of choosing . 39
" number of . 39
" fortune of.. 40
" age of..... 41
" degradation of 41
" badges of... 42
" privileges of 42
Senatores pedarii.... 40
" præteriti .. 40
Senatus acta 48
" auctoritas ... 46
" consultum 47, 51, 156
" decretum 51
" edictus..... 43
" indictus 43
" legitimus 43
Sepia 385
Septemviri Epulonum 188
Septicollis 2
Septum..... 60
Septunx 424
Sepulcrum..... 348
Sequestres..... 56
Sera..... 368
Sericum 304
Serrati 431
Serta 326
Servi 145
" Novicii..... 146
Servitus 170
Servitus cloacæ Page 135
" luminum 135
" non altius tollendi 135
" oneris ferendi 135
" stillicidii et fluminis..... 135
" tigni immittendi 135
Servitutes 135
Servorum familia.... 147
" familia rustica..... 147
" familia urbana.... 147
Sescunx 424
Sesquipes..... 425
Sestertium..... 435
Sestertius... 431, 433, 434
Sevir 26
Sex suffragia..... 33
Sextans 424, 429
Sextarius 427
Sextula..... 424
Sibylla 184
Sicilicus 424
Sigma..... 318
Signa militaria... 216–247
Signare 138
Signiferi 247
Silentiarii 128
Silicarii..... 16
Silicernium 350
Siliqua..... 424
Sinus togæ..... 279
Siparium 218
Slaves 145
" value of..... 147
" kinds of..... 147
" names of 150
Smegmata 301
Soccus 220, 294
Socii 231–232
" navales 273
Solaria 359
Solea..... 294
Solitaurilia..... 92
Solum 361
Sordidati 281
Sordidatus 57
Sors..... 436
Spectabiles 128
Specularia 365
Sphæristerium 376
Spina..... 204
Splenia 301
Spolia opima..... 257
Sponsalia 337
Sportula..... 30, 168, 327
Spuma Batava 300
Standards..... 246
Stationes..... 245
Stator 123
Stercoratio..... 404
Stigma 149
Stilus..... 383
Stipendium 259
Stiva 402
Stola 281
Strigil ..... Page 335
Strophium..... 303
Subcenturio..... 239
Subscriptores 159
Subsignani..... 248
Subucula 286
Subulones 194
Sudatio concamerata. 335
Suffecti 78
Suffibulum 187
Suffitio 349
Suggestum..... 53
Suggestus..... 213
Suggrundarium 345
Suovetaurilia..... 92
Supercilium 366
Suppara 272
Supplicatio..... 195, 251
Suppositiii 211
Syrma..... 221

T.

Tabella absolutoria .. 163
" damnatoria.. 163
Tabellæ..... 60
Tabellarius 381
Taberna 390
" libraria..... 387
Tablinum 356
Tabulæ..... 60, 162
" ceratæ 381
" novæ 36, 382
Tabularia 48
Tæda..... 370
Tali 333
Talio 170
Talassio 340
Tarpeia Rupes 7
Tectores..... 16
Temples..... 11, 174
Templum..... 174
" Apollinis .. 12
" Augurale.. 181
" Jani 12
" Jovis Capitolini ... 11
" Jovis Ultoris..... 11
" Martis Ultoris..... 12
" Pacis 5
Ten Tables..... 113
Tepidarium..... 334
Terminalia..... 199
Teruncius 424
Tessera..... 245
" hospitalis ... 388
Tesseræ 323
Tesserarius 245
Testes..... 162
Testudo 261, 264
Theatrum..... 217
Thermæ..... 13, 332
Thermopolia..... 323
Tholus 174
Thraces 211
Threces 211
Tibia 439
" dextra 440

Tibia obliqua... Page 439
" sinistra..... 440
Tibiæ impares 440
" pares..... 439
Tibicines 194
Tiro..... 285
Tirocinium 285
Titienses..... 30
Ties..... 30
Tituli..... 19
Toga 277
" candida..... 280
" libera 284
" palmata..... 281
" pexa 280
" picta..... 254, 281
" prætexta.... 35, 283
" pulla 281
" pura 280, 284
" sordida 280
" virilis..... 280, 284
Togati 278
Tollere filium 131
Tonsor 308
Tonstrina..... 308
Topiarius 375
Torcular..... 413
Torcularium 413
Tormentum..... 271
Torques 250
Trabea 25, 35, 191
Transtra..... 267
Tressis 424
Trial, form of... 162, *sqq.*
Triarii 227
Tribes 30
Tribunal..... 84
Tribunes under the empire 98
Tribuni comitiati 236
" laticlavii 237
" militum . 230, 236
" plebis..... 93
" Rufuli 237
Tribunicia potestas .. 95
Tribus rusticæ 31
" urbanæ 31
Tributum 140
Triclinia 356
Triclinium 314
Tridens..... 210
Triens..... 424, 429
Trigon..... 328
Trinundinum 55
Tripertita..... 156
Tripondius..... 424
Tripudium..... 179
Triremes 266
Triticum..... 409
Tritura 407
Triumphus 251
Triumviri capitales .. 105
" monetales 105
" nocturni.. 106, 147
Trochus 329
Trossuli 24
Tuba 245
Tubicines 34
Tubliustria..... Page 200
Tullianum 169
Tumultus..... 222
Tunica 285
" fimbriata..... 285
" monicata 285
" molesta 171
" palmata..... 254
" recta 339
" talaris 285
Tunicati 287
Turma 228
Tutela..... 268
" legitima..... 139
Tutores..... 139
Tutulus..... 177
Twelve Tables.. 112, 114, 154

U.

U. R. 61
Ulna 426
Umbilicus..... 386
Umbo 280
Uncia..... 424, 427, 429
Unciæ 138
Unctuarium 334
Urna 346
Ustrina 346
Usucapio..... 135
Usucaptio 135
Usura 436
Usuræ besses, &c.... 437
" centesimæ ... 436
Usus (in marriage)... 337
Utricularius 439
Uxor 337

V.

Vacatio 222
Vades dare..... 167
Vadimonium 166
" promittere 167
Valetudinarium 243
Valli 243
Vallum 243
Valva 367
Vas 167
Vasarium..... 117
Vaticanus Mons 8
Vectigalia..... 140
Velarium 214
Velati 34
Velites..... 227, 232
Velum..... 271
Venales..... 146
Venalitii 146
Venatio..... 207
Ventilatio 408
Venus 323
Verberatio 169
Vernaculi..... 146
Vernæ..... 146
Versus..... 426
Vervactum 403
Vespillones 344
Vestal virgins 185
Vestalia..... 200
Vestibulum 353
Vestis lugubris .. 282, 350
Veteratores .... Page 146
Veto 46, 96
Vexillarius..... 247
Vexillum 247, 248
Viæ 90
Via Appia, Ardeatina, Flaminia, &c. .. 9, 10
" Lata..... 5
" Principalis 245
" Sacra..... 5
Viaticum 117
Viator 44
Viatores 64, 123
Vicesima 140
Vicesimatio 259
Vicessis 425
Vici 4
Vicomagistri 4
Victima succidanea .. 183
Victimarii..... 194
Victoriatus..... 432
Vicus Tuscus..... 2
Vigiliæ 245
Villa publica 90
" rustica 373, 401
" urbana 374
Villici 16
Villicus 374
Vinalia 200
Vincula..... 169
Vindemia 413
Vindicta, v. Manumissio.
Vinea..... 263
Vinum..... 323
Visceratio..... 350
Vitelliani..... 381
Vitis..... 412
" (centurionis) ... 238
Vitta..... 300
Vocare in jus..... 165
Vocatio in jus..... 161
Volumen 385
Vomer 402
Vomitoria..... 212, 214
Vota..... 194
Voti damnatus 195
" reus 195
Voting at Comitia Centuriata..... 59, 60
Vulcanalia 200

W.

Ways..... 9, 10
Wines (varieties of) . 324

X.

Xystus 374

Y.

Year, mode of designating 73
Year, Julian 419
" of Numa..... 418
" of Romulus ... 417

Z.

Zona 281

Absolvi
die
xi. Kal. Apr.
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